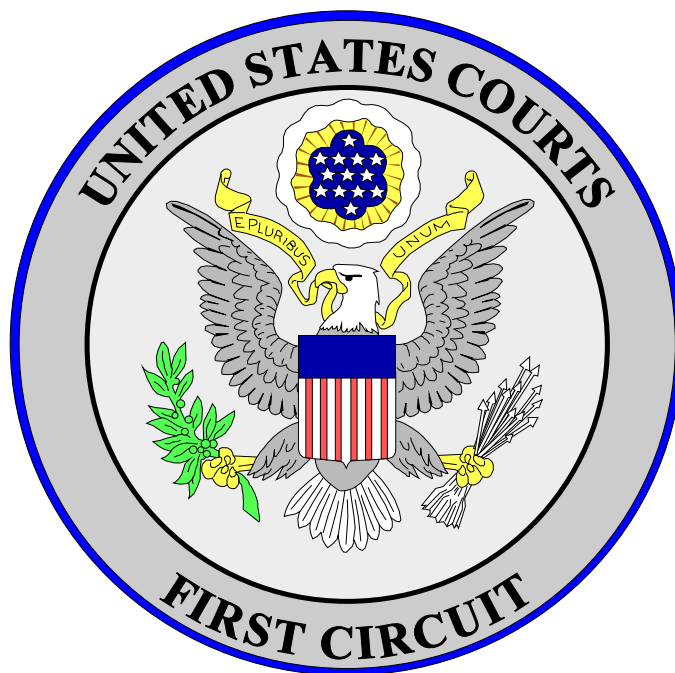


UNITED STATES COURTS FOR THE FIRST CIRCUIT



2008
ANNUAL REPORT

**United States Courts for the
First Circuit**

2008 Annual Report

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FOREWORD

by

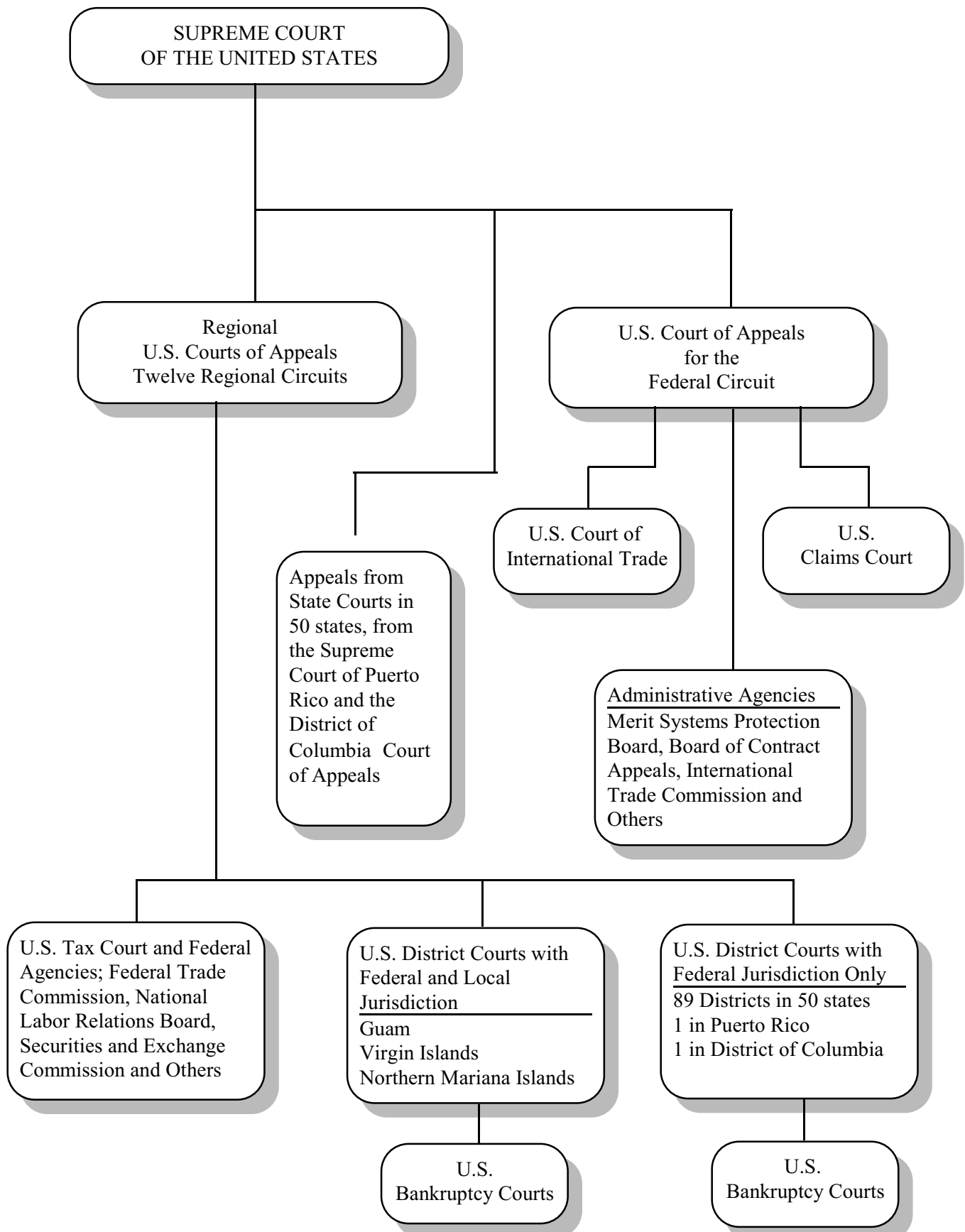
**Gary H. Wente
Circuit Executive**

The Annual Report allows the courts of the First Circuit to review the accomplishments achieved in a year. The Report reviews case filing statistics, employment trends, building projects, the continued implementation of a new automated docketing system (CM/ECF), and numerous other developments. The Report illustrates the varied nature of the business of the courts and the efficiency with which that business is conducted in the Circuit.

I would like to thank all those who provided the information and statistics set forth in this Report, especially the chief district judges and unit executives throughout the circuit. Personnel from the Statistics Division of the Administrative Office of the United States Courts provided the extensive data necessary to produce this compilation and deserve thanks for their accuracy and efficiency. I would also like to thank Florence Pagano, Leslee Nelson, Kammy Sloan, and Michelle Dumas who compiled and edited the material presented in the report.

Finally, and most important, I wish to acknowledge the contribution made on a daily basis by the judges, court administrators, and court staff who dedicate themselves to the business of the courts.

Structure of the Federal Judiciary



**NARRATIVE REPORTS
OF THE UNITS
OF THE COURT OF APPEALS**

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

CLERK'S OFFICE

On June 16, 2008, Sandra Lynch replaced Michael Boudin as Chief Judge of the U.S. Court of Appeals for the First Circuit.

In March 2008, the court "went live" on the Judiciary's electronic case management (CM) system. At the same time, the Clerk's Office started attaching new court-generated documents (e.g., orders, opinions and judgments) to the docket as hyperlinks. In August, the court introduced a program where parties can receive electronic notice of docket entries and court-generated documents from the court through Notices of Docket Activity (NDAs). These actions are the foundation for full implementation of the Case Management/Electronic Case Files (CM/ECF) system which will provide electronic filing capability.

To advance the court's electronic effort, numerous staff attended the 2008 Appellate CM/ECF Symposium in November. This AO-sponsored event featured presentations and workshops designed to share the knowledge and experiences of the appellate courts at various stages of CM/ECF implementation. Clerk's Office staff also visited the Third Circuit to observe the operations of a court in the conversion process to electronic filing.

In addition, access to audio recordings of the court's oral arguments was made available via the court's web site starting with the September sitting.

Historic events took place in 2008 as retired Supreme Court Justice Sandra Day O'Connor sat with the court in May, and the court heard oral arguments in Providence in October as part of the centennial celebration of the city's federal courthouse.

In February, the Clerk's Office joined with the other court of appeals units in completing the court's four-year cyclical financial audit, with positive results.

The Clerk's Office participated in an advanced training program for Criminal Justice Act (CJA) panel members during the spring of 2008 in Boston and Portland. The program focused on effective writing and editing for lawyers, updates from the Clerk's Office and major developments in the law.

The Clerk's Office completed an orientation session for new law clerks during the fall of 2008. The program included an overview of records, an inside look at the appellate process and instruction on accessing the court of appeals docket, as well as district court electronic files.

Also during 2008, Local Rule 32.0 was amended to require a copy of briefs, petitions for rehearing, and other papers in excess of ten pages to be filed on disk in PDF rather than WordPerfect format. In addition, the amendment requires that any supplemental material that is bound with the paper version, such as an addendum, should be included on the disk. The

amendment to Local Rule 32.0 had two goals – to simplify the process for filers using various word processing programs, and to prepare for the court's eventual implementation of electronic filing.

In fiscal year 2008, the Court of Appeals reported 1,631 filings, compared to 1,863 for fiscal year 2007, a 12.5 % decrease. The court also reported a 1.4 % increase in terminations from 1,752 in fiscal year 2007 to 1,776 in fiscal year 2008, and a 9 % decrease in pending cases, from 1,609 in fiscal year 2007 to 1,464 in fiscal year 2008.

For the 12-month period ending September 30, 2008, the District of Massachusetts represented the largest source of appeals to the First Circuit (582). The District of Puerto Rico represented the second largest source (417). Appeals from Maine, New Hampshire and Rhode Island represented 126, 125 and 103, respectively. During fiscal year 2008, 191 appeals came from Administrative Agencies. The remaining 85 appeals brought before the First Circuit in fiscal year 2008 were bankruptcy cases (31) and original proceedings (56).

In fiscal year 2008, criminal proceedings continued to represent the largest category of appeals to the First Circuit at 33.4 % of total cases commenced. The court's median time from the filing of a notice of appeal to final disposition was 13.3 months in fiscal year 2008, slightly higher than the national median time of 12.7 months.

OFFICE OF THE STAFF ATTORNEYS

The Office of the Staff Attorneys does research for the judges of the Court of Appeals. During calendar year 2008, the Office consisted of one senior staff attorney, one supervisory staff attorney, 17-18 attorneys (9 part-time, 9 full-time), and two support persons.

For the calendar year 2008, the following numbers of matters were referred by the Clerk's Office to the staff attorneys' office for processing:

January	170	July	186
February	204	August	190
March	187	September	237
April	220	October	164
May	215	November	161
June	158	December	198

Total: 2290

This is 333 more referrals in calendar year 2008 than in 2007.

In addition, there were 134 pro se or social security cases submitted (the same number of submitted cases as in 2007) and approximately 152 sua sponte summary dispositions in counseled, briefed cases (a decrease of 49 from 2007). The decrease in the latter may be due to an increase in the frequency with which the government moves for summary disposition.

Among the types of matters referred to the Staff Attorneys' Office for research included in the 2290 figure above were the following: applications for certificate of appealability, motions for summary affirmance, applications for leave to file second or successive habeas petitions, motions for summary affirmance or dismissal, mandamus petitions, Anders briefs, motion for stay or bail, § 1292(b) petitions, applications to file an interlocutory appeal under Fed. R. Civ. P. 23(f), and many other miscellaneous matters.

CIVIL APPEALS MANAGEMENT PROGRAM

The First Circuit's Civil Appeals Management Program (hereinafter CAMP) is governed by Local Rule 33. The process begins with the filing of a Notice of Appeal with the Clerk of the District Court who notifies the appellant of the program. The appellant is required to file a Docketing Statement both with the Clerk and Settlement Counsel in the form required by Local Rule 3(a). The Clerk also notifies Settlement Counsel of all civil appeals considered eligible for the program.

The First Circuit's rule mandates mediation of all civil appeals, except habeas corpus, prisoner petitions, *pro se* cases, National Labor Relations Board (NLRB) appeals, enforcement petitions, and original proceedings, such as mandamus. Although the rule grants Settlement Counsel the discretion to decide in which cases the parties will be required to attend a pre-argument conference, it is the practice to require such a conference in all eligible cases unless the information supplied by the parties demonstrates, in the opinion of Settlement Counsel, that there is no reasonable likelihood of settlement. Such cases amount to a small percentage of the cases eligible for the program.

When Settlement Counsel has been notified of a pending appeal, a conference is scheduled. The parties are directed to file a confidential memorandum at least one week prior to the scheduled conference containing, *inter alia*, the following:

An express representation as to whether the party, party representative, and/or counsel will participate in the settlement process in good faith and with the intention of using their best efforts to settle the case (this is not a request to commit to settle the case regardless of the settlement terms or opportunities presented);

An express representation as to whether the party, party representative, counsel and other person assisting such party or counsel will maintain confidentiality with respect to settlement communications made or received during or in connection with the conference;

The history of any settlement negotiations that may have taken place before and since the appeal was filed;

The major points of alleged error that are the focus of the appeal; and

Important factors (factual, legal, practical) which counsel believes may affect his/her client's chances of prevailing upon appeal, and which affect the terms and conditions

upon which the case may reasonably be settled.

In addition, appellants are required to submit a copy of the orders, memoranda or opinions from which the appeal has been taken. The attorneys are also informed that their clients are required to attend the conference unless excused.

The conferences run generally from one to three hours with the norm being about two hours. In special circumstances the conference may be conducted by telephone but in-person conferences are preferred because experience demonstrates that in-person conferences are much more likely to produce positive results. After the initial conference, settlement counsel may conduct one or more follow-up telephone conferences, and in some cases, have the parties appear for a subsequent in-person conference.

When the process has run its course, a report is filed with the Clerk's Office indicating only that the case has been settled or that it has not been settled.

Beginning in August 2006, Settlement Counsel appointed to handle appeals arising in the District of Puerto Rico began to mediate cases. This change permitted more in-person conferences to take place in the Circuit. The Puerto Rico settlement counsel started mediating cases around August 1, 2006.

In calendar year 2008, of the 382 cases that were opened, one or more conferences were held in 260 cases, which produced 79 settlements or approximately 30.4 percent of the mediated cases.

BANKRUPTCY APPELLATE PANEL (BAP)

For the BAP, 2008 was a year of change and transition. Following its deconsolidation from the U.S. Court of Appeals for the First Circuit, the BAP hired Mary P. Sharon to serve as Clerk. Ms. Sharon had previously served as the career law clerk to the Hon. William C. Hillman (Bankr. D. Mass.) for 15 years. After serving as chief judge for four years, Judge Enrique S. Lamoutte (Bankr. D. P.R.) stepped down as chief judge and Judge James B. Haines, Jr. (Bankr. D. Maine) was appointed to serve as chief judge for four years. In 2008, all of the eligible bankruptcy judges within the First Circuit volunteered their time to serve on the BAP.

The BAP, which employs two staff attorneys and a part-time case manager, is located at the Moakley Courthouse and conducts oral arguments in the First Circuit courtrooms in Boston, Massachusetts and San Juan, Puerto Rico. Currently, the BAP is in the planning stages of its move to the McCormack building at Post Office Square in Boston. It will occupy an office suite on the ninth floor and, when conducting oral argument in Boston, the BAP will utilize a twelfth floor bankruptcy court courtroom.

During 2008, the Judicial Council approved the BAP's new local rules. The rules offer more guidance regarding practice before the BAP and provide litigants the option to have the BAP travel to their district. The BAP also updated all of its practice guides and website. The clerk and case manager traveled to every bankruptcy court within the circuit to provide training

to all of the case managers on how to process appeals to the BAP. Various panel judges and the clerk and case manager also met with several bar associations to explain the new rules and guides. The BAP has begun the process of “going live” and expects to receive filings electronically by September, 2009.

For the 12-month period ending December, 2008, the BAP experienced a 46.4 percent increase in case filings. For that same period, the BAP received approximately 54% of the appeals from the bankruptcy courts within the circuit. The BAP continues to draw the majority of its cases from Massachusetts.

LIBRARIES OF THE FIRST CIRCUIT

The First Circuit Library system provides services to the judges and staff of the First Circuit Court of Appeals, and the District and Bankruptcy Courts in Maine, New Hampshire, Massachusetts, Rhode Island and Puerto Rico. There are four libraries in the First Circuit system: the Headquarters Library located in the Moakley U.S. Courthouse in Boston, and Satellite Libraries in the District courthouses in Concord, New Hampshire; Providence, Rhode Island; and Hato Rey, Puerto Rico. There is no Satellite Library in Maine. The Boston library provides services for chambers and court staff in Portland and Bangor. It also provides services to chambers and court staff in Springfield and Worcester, Massachusetts. The Satellite Librarian in Concord provides services for the New Hampshire Federal Bankruptcy Court located in Manchester, New Hampshire. The staff of the Hato Rey library provides services for chambers and court staff located in the federal courthouses in Old San Juan and Ponce, Puerto Rico.

All judges and court staff have access to the Headquarters and Satellite Libraries. The Boston library is open to members of the practicing bar, *pro se* litigants and the general public. The Satellite Libraries are closed to non-court patrons, unless special permission is authorized by a judge of the court.

Personnel

Staffing levels in the libraries remained the same in FY2008. Staff were distributed amongst the libraries as follows: seven (7) in Boston; two (2) in Hato Rey; and one (1) each in Concord and Providence. Ten staff members work full time (40 hours per week). One staff member in the Boston library works 30 hours per week. The entire staff works as a team to provide services Circuit wide. Each library provides “local” services and outreach services to judges and staff regardless of where they are located.

In August, 2008 all First Circuit library staff met in Boston for a two day Strategic Planning Meeting. The pace of change from print to digitally published legal materials continues to accelerate. The staff began what will be an ongoing analysis and conversation on how to facilitate the transition and obtain the new skill sets necessary to deliver the services needed by the judges and staff in the First Circuit.

Lawbook Funds

The First Circuit Libraries' law book allocation increased by approximately 4.9% in FY2008. The increase, coupled with voluntary cancellations in library and chambers collections, provided the opportunity to purchase a digital collection of Congressional documents: *The LexisNexis Digital Serial Set, Part I*. The database provides direct and comprehensive access to the full text of U.S. House and Senate Reports and Documents from the earliest Congresses to 1970. In addition, the library was able to approve most requests from chambers for new materials and achieve some updating of core treatises in the libraries' collections. Most savings originated in cancellations of print reporters and treatises no longer needed by chambers.

Outreach

In late 2008, the library added the *Weekly Watch* to the list of daily and weekly news services distributed via email to chambers and other court staff. The *Weekly Watch* tracks First Circuit Court of Appeals cases that are appealed to the U.S. Supreme Court. This service is currently distributed to 173 individuals within the First Circuit courts. Distribution statistics for other selected news services are included in the "Selected Statistics" section.

Selected Statistics

Below are statistics that highlight some of the work accomplished in FY2008 by the staff of the four libraries in the First Circuit Library system or the number of times the library facilities were used.

In FY2008, "in library" use of the Boston Library totaled 3227. Individuals from the federal courts and other federal agencies visited 1817 times. Attorneys, pro se litigants or others visited the library 1412 times.

In FY2008, the Hato Rey Library responded to 88 requests for translations of Puerto Rico Supreme Court or Court of Appeals decisions or laws. These are requests for English translations not found in LexisNexis, Westlaw or other sources.

In FY2008, the Technical Services Department processed 945 law book orders. 863 for renewals of subscriptions in chambers and the libraries, and 78 orders were for new books and subscriptions.

The Boston Library's Public Access computers were used 872 times by judicial interns or other court staff and 576 times by public users (includes pro se litigants, attorneys, and other individuals) in FY2008.

The Boston Library staff responded to 2595 reference questions in calendar year 2008.

Library staff provided multiple new services via email, including *Daily Opinion Summaries of U.S. 1st Circuit Court of Appeals* (Findlaw), *Today's News*, *Sherlawck*

(notice of P.R. cases, laws, regulations and legal news)(Microjuris), *Today's U.S. Supreme Court*, and *FY 2008 Budget Process*.

**NARRATIVE REPORTS
OF THE DISTRICTS**

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DISTRICT COURT

Caseload Data and Judicial Conference Committee Membership

The Court's caseload remained relatively constant in 2008 compared to the last four years. The judges conducted 32 trials. The District of Maine's judges also served on the following Judicial Conference Committees:

- Chief Judge John A. Woodcock, Jr., Committee on Defender Services
- Judge George Z. Singal, Chair, Judicial Resources
- Judge D. Brock Hornby, Chair, Committee on the Judicial Branch

2008 District of Maine Judicial Conference

Nearly 300 attorneys, judicial employees and judges attended the District of Maine Judicial Conference held at the Samoset Resort on October 23-23, 2008. The conference focused on "Courts and the Community" and explored the ways the federal courts interact with members of the larger community throughout Maine. In addition to the various breakout sessions for criminal, civil and bankruptcy practices, the conference also hosted a Mock Trial Scrimmage in which a number of area high school students participated. Chief Judge John A. Woodcock, Jr. was the presiding judge at the scrimmage.

Court Administration

In April 2008, John H. Rich III took the bench as a Magistrate Judge in the District Court when Magistrate Judge David Cohen retired. An investiture ceremony was held on April 28, attended by both federal and state judges, the bar, and Judge Rich's friends and family.

In September, the District of Maine revised its Criminal Justice Act Plan and attorney appointment process, and created a selection committee to review attorney applications for a new CJA panel. The Court also adopted new Guidelines for the Promulgation of Local Rules, which set a regular schedule for the amendment and adoption of local rules and outlines the terms and responsibilities of the Local Rules Advisory Committee.

The Court's Jury Plan was also extensively revised and rewritten, and a new Master Jury Wheel was filled following the 2008 presidential election. For the first time, state voter registration information was received electronically from the Office of the Secretary of State, via Maine's Central Voter Registration System. This method of receiving data saved the court hundreds of data entry hours, and assured that juror contact information will be more current and accurate than in the past.

The Subcommittee on Judicial Statistics of the Committee on Judicial Resources conducted its 2009 Biennial Survey of Judgeship Needs. In response to the information provided by the District of Maine, the Subcommittee recommended filling any vacancies that

might occur in the district.

Jury Administration

In 2008, the percentage of jurors not selected, serving or challenged (NSSC) was 19%, which is a 7.5% percent reduction from 2007, a significant improvement in juror utilization. The District of Maine remains well below the national average and well below the Judicial Conference's goal of 30% or less NSSC. Comparatively, the national average of jurors NSSC for the 2008 calendar year was 37.9%. The First circuit average of NSSC for 2008 was 43.9%.

CM/ECF (Case Management/Electronic Case Filing)

The District of Maine upgraded the CM/ECF system from Version 3.1 to Versions 3.2, 3.2.1 and 3.2.2 in 2008. Beginning with Version 3.2, the SDSD Support Branch of the Administrative Office began a new procedure for implementing releases of ECF software. The procedure involved releasing new versions of software to pilot courts who work closely with the AO to identify software issues and to implement resolutions to the issues before the software is released generally to all courts. The District of Maine was one of four courts to pilot the first release of software (Version 3.2).

The District of Maine implemented the new Judicial Conference Policy on special restricted access to transcripts. Pursuant to the policy, transcripts of court proceedings are made available to the general public for inspection only at the clerk's office public terminal for a period of 90 days after filing with the Court. During that 90 day period, a copy of the transcript may be purchased from the court reporter or transcriber only and any attorneys who have purchased the transcript are provided remote electronic access to the document in CM/ECF. After the 90 day period, the transcripts or a redacted version of the transcript, if filed, are available to the public through PACER.

In 2008, the U.S. Sentencing Commission revised the sentencing guideline range for crack cocaine related offenses. New docket events were created and new JS2 and JS3's were submitted to meet the statistical reporting requirements for all crack/cocaine requests for resentencing and disposition of each request.

Operations

In January, the U. S. Probation Office began plans to pilot an intensive supervision treatment program, SWiTCH (Success With the Court's Help). Staff representing every unit in the district attended the National Drug Court Institute Training in preparation for the implementation of this program.

In March, the district received an influx of Crack Cocaine Amendment motions. A total of 177 Motions for Reduction of Sentence pursuant to the Crack Cocaine Amendment were filed in 2008.

In June, five members of the Clerk's Office attended the Federal Court Clerk's Association (FCCA) Conference in Louisville, KY. When the participants returned, they shared what they had learned at the FCCA with their co-workers at the Clerk's Office Off-Site

Education and Training Seminar.

Information Technology/Systems Automation

The district has seen increased demand for technology support in both the courtroom and jury room, as a result of more attorneys presenting electronic evidence, including wire taps, surveillance videos and other electronic media.

Systems staff members have utilized Cold Fusion software to create new reports and improve available reports for both the Clerk's Office and Chambers. For example, the Criminal Debt Query report allows staff members in the district, including probation, to check the status of a criminal debt without having to log into multiple systems. This report is now used nationally by federal court units.

Network infrastructure upgrades conducted in both Bangor and Portland, including new Cisco switches, will prepare the district for the next generation of the DCN. These upgrades will also ease network management and allow for a more secure access to the DCN.

The Systems staff has been working to implement the use of SharePoint - a robust document management program - in the Clerk's Office. This has been a major focus of the IT Staff, involving many hours of research, meetings with stakeholders, strategic planning and training sessions. This software will be rolled out to the staff gradually, with a goal of full implementation in the near future.

In April, a two day program on strategic planning for courtroom technology was held in conjunction with the FJC and Jim Buchannan. Probation Office, Bankruptcy Court and District Court stakeholders participated. Prior to the workshop, 70 stakeholders completed a survey, solicited feedback on perceived courtroom technology needs and proposals for the near future. The survey results were shared with the group at the meeting and framed the strategy discussion for courtroom technology needs.

The IT Staff completed a district-wide video conference project for all three court units in 2008. The specifics for each court unit varied slightly, but the goal was to acquire a modern video conferencing system that would be compatible for use with current infrastructure. The district court opted for a mobile cart model, which is a cart that contains all video components and two large mobile monitors for display. This system can be in any of the courthouses, wherever ISDN lines for connectivity are located.

In April, then Chief Judge Singal was asked to send representatives from the district court to participate in the Technology Task Force of the Justice Action Group (JAG), an organization that provides leadership and planning for providers of legal services to low-income Mainers. The IT Director and Clerk of Court represent the Court at these meetings, and share the Court's best practices for the use of technology in court administration.

Human Resources

The District Court and Bankruptcy Courts continue to share human resources services, as they have since October of 2007. Diane Aube continues her service in her two-year term with the Human Resources Advisory Group (HRSAG) representing the First Circuit. HRSAG has

worked with the Administrative Office on many of its HR initiatives and enhancements. In 2008, those initiatives included: J-Net Redesign Project surrounding the Human Resources pages of the J-Net; Benefit Gap; Implementation and drafting of Performance Management Plan Guides; Entrance and exit surveys; and Centralization of Workers Compensation.

The CPS Benchmark modernization phase of the AO's Compensation Study was completed. The District of Maine assisted in the review of these benchmarks and provided feedback to the AO in its effort to refine them. While the District of Maine currently conducts performance appraisals, the office hopes to partner with other court units to design a performance management plan and update performance appraisal tools.

In 2008, Diane Aube attended Nationwide training on RDE III, EOD (Entrance on Duty), Leave Tracking and Employee Self Service (HRAccess) and became a Super User for the First Circuit. Following that training, the District Court implemented HRAccess to the entire staff. Diane was also the Project Lead for the District Court and Bankruptcy Court in the implementation of HRMIS Leave Tracking, including the training of all staff. The District of Maine intends to go live on the system on March 16, 2009.

In September 2008, Chief Deputy Christa Berry graduated from the Federal Judicial Center's Federal Court Leadership Program. Christa's capstone project was a collaborative effort with the Kate Wisz, Chief Deputy Clerk for the U.S. District Court for the Eastern District of North Carolina and Therese Bollerup, Chief Deputy Clerk for the U.S. District Court for the District of Nebraska. The purpose of the project was to (1) identify the essential knowledge, skills and abilities that a new chief deputy needs to administer to the courts needs, and (2) provide training opportunities for new chief deputies. Christa and her colleagues presented their project at the Clerk and Chief Deputy Conference in San Diego last December, and colleagues will debut a pilot training program in January 2010.

Work Measurement Study

In April, the Administrative Office measured the Clerk's Office workload as part of a periodic study to determine the staffing requirements for the district courts. The study in Maine revealed that the Clerk's Office needs an additional 1.6 work units in order to perform the work specified in the Work Center Description. The additional units are needed to perform additional responsibilities placed on the court, such as mentoring other courts and developing and implementing a comprehensive internal controls program.

Finance/Budget

The District of Maine participated in a pilot of the Internal Controls Evaluation program ("ICE") beginning in April, 2008. The court now uses ICE to propose changes to FAS4T users. The system analyzes the data to determine if any separation of duties conflicts exist. Once the changes are verified as free of conflicts, ICE allows for electronic approval of the changes by the Clerk, and the security administrator enters the change into FAS4T, thus eliminating the need for the multiple-paged paper security forms.

Three members of the staff participated in the 2008 Financial Forum held in Kansas City, Missouri in September, 2008. Procurement, budget, and finance staff from around the

nation gathered to share best practices, learn about new Treasury and the Administrative Office initiatives, exchange ideas, and build upon the expertise of financial personnel in the judiciary. Sarah McNamara served as faculty for the forum, presenting sessions on “Best Practices in Finance.”

The Clerk’s Office in Portland underwent a major facelift in 2008 with new carpeting, a fresh coat of paint, and the installation of modern, ergonomic workstations. Magistrate Judge Rich’s chambers were also renovated and furnished.

During 2008, the District of Maine migrated its credit card processing from Bank of America to the Fifth Third Bank; continued its development of custom reports from the FAS4T system; and, accomplished the disbursement of restitution funds from a particularly complicated joint and several case (USA vs. Petit). In addition, the Financial and Budget Administrator, Sarah McNamara, continued to offer mentoring and support to other district courts, most notably the Districts of Puerto Rico and Wisconsin-Western. For three days in June, Sarah trained the new Financial and Budget Administrator from the District of Puerto Rico on a variety of financial and budgetary topics.

In April, Sarah McNamara was presented with an award for outstanding service to crime victims during Crime Victims’ Rights Week.

Court Reporters

In 2008, court reporters in the District of Maine switched to an electronic notice system from the First Circuit Court of Appeals. This has greatly improved efficiency. Court reporters now electronically file quarterly AO40A reports and annual AO40B reports. The reporters continue to provide Realtime services to the judges and law clerks for all trials and other requested proceedings and also post-proceeding rough draft or certified transcripts for reference purposes. They also transcribe FTR proceedings as requested by the Clerk's Office.

Community Outreach

In January 2008, the District of Maine hosted a meeting at which state court administrators and staff met with their federal court counterparts to share information and ideas, and to foster collaboration between the two court systems.

Throughout the year, the Court hosted University of Maine School of Law students at programs including: “Courtroom as Classroom”, an introduction to the federal courts for first year law students, mock trials, hearings, and lectures on sentencing law and strategy. Over the summer months, two groups of students from the Upward Bound program promoting college prep for underprivileged high school students visited the courthouse and met with judges, Clerks Office staff and representatives from the United States Attorney’s Office. In July, twenty college students visiting from the Netherlands attended a program on Cyber Crime, presented by members of the bar. In November and December, Maine high school mock trial teams held scrimmages and the State High School Mock Trial Semi-Final competition in the district court courtrooms. Ten citizenship ceremonies were held in the district of Maine, at which approximately 350 new United States citizens were naturalized.

Training for Professional Growth and Development

The annual U.S. District Court offsite education and training seminar was held at the Newagen Seaside Inn located in Southport, Maine on September 25-26, 2008. The seminar began with a presentation by Stephen Wessler, Executive Director of the Center for the Prevention of Hate Violence. The following day, Susan Arledge presented TGI Monday 10 Strategies to Thrive in Today's Workplace. The afternoon session comprised of a presentation by Michelle Thibodeau, Lois Downs, Lindsey Caron, Jennifer Gray and Devon Richards on the FCCA Conference; and a presentation of SharePoint was given by Elissa Marchetti. The seminar concluded with a discussion of germane Clerk's Office topics.

Continuity of Operations Plan (COOP)

In 2008, the District Court revised its Continuity of Operations Plan (COOP). The revisions include: a comprehensive management framework; a catalogue of existing features, systems and policies; and the restoration of the Court's full functions. The revision of the Court's COOP took more than a year to complete and includes input from most of the court's stakeholders.

BANKRUPTCY COURT DISTRICT OF MAINE

The Bankruptcy Court for the District of Maine had an active 2008. In early 2008, the position of Data Quality Administrator was added and filled by Cheryl Dubois, a former case administrator in the Bangor office. The new position was welcomed by the operations staff as a move toward uniformity and stability. Late summer and fall of 2008 brought the retirements of two longtime Bangor case administrators: Linda Kowanick (21 years) and Sandy Dwyer (20 years). These changes provided the opportunity for some reorganization. Kristen Capilli became a new case administrator for Bangor. Sheila Dilios fills the other remaining position, which was altered to a half case administrator executive assistant position and relocated to Portland.

In the fall, the court called other bankruptcy courts in the First and Second Circuits for assistance with case administration, due to the continuing increase in caseload and significant staff changes. Visiting case administrators from NH, NY-W, and NY-E, each spent a couple weeks in the Bangor office. Three units in Maine (District, Probation/Pretrial, and Bankruptcy) combined in 2008 to purchase and install a new video conferencing system. The contract was awarded through the Judiciary's Courtroom Technology process and the winning vendor was Exhibit One. And lastly, the Maine Bankruptcy Court assisted the New York Western Bankruptcy Court with an internal audit of its budget, internal controls, and financial transactions. The Court's Financial Administrator and Chief Deputy traveled to Buffalo to audit files and perform other audit functions.

A significant number of court staff participated in both local and national training in 2008. Locally, the court continued its tradition of an annual two day all-court (Chambers & Clerk's Office) "offsite" program. The Court's Operations Team, which is located across both Portland and Bangor, spent a day in Waterville for training purposes. Nationally, Maine was

well represented at both the Bankruptcy Operations Forum in Salt Lake City and the annual meeting of the National Conference of Bankruptcy Clerks. And regionally, several members of the staff traveled to Burlington, VT for a conference of bankruptcy courts from the First and Second Circuits.

In 2008, Alec Leddy, Clerk, served as the Circuit's representative to the Bankruptcy Clerks Advisory Group and also as a member of the AO's Budget & Finance Advisory Council. David LePauloue, Chief Deputy, completed his service as a member of the Technical Evaluation Board for the new Bankruptcy Noticing Center contract and continue his service as a member of the Federal Judicial Center's Bankruptcy Education Committee. He traveled to several sites to inspect printing and data facilities and was in Washington, D.C. for the final contract award.

Also in 2008, the Maine Bankruptcy Court implemented the national digital audio pilot program in both of its courtrooms. Under the pilot, all court proceedings before both Judge Kornreich and Judge Haines are recorded, converted to mp3 files, and filed on the case dockets via the PACER system. The pilot runs through December 2009

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF MAINE

Pretrial Services

The Pretrial Services Office remained very active in 2008. Pretrial cases activated in 2008 rose from 242 to 296, an increase of 22%. In March 2008, Pretrial Services efficiently produced bail reports during a one-day, large-scale "roundup" of nearly 19 defendants, just as it had done in January 2007. Despite this high workload, the District of Maine is proud to note that its pretrial detention rate continues to be 16% below the national average. The District improved its detention rate by 7% over the preceding year, detaining only 47% of all cases in 2008 (including immigration cases).

The Probation Office implemented a new method of producing bail reports that utilizes the PACTS database. This method of production allows the office to "backfill" the database with client information and has streamlined the format of the report. The new format enables counsel to review the information more quickly before court hearings.

TYPES OF PRETRIAL CASES	2006	2007	2008
Property (e.g. Larceny, Embezzlement, Fraud)	27	41	43
Violence	9	7	6
Weapons/Firearms	62	60	62
Drugs	73	78	108
Immigration Laws	20	27	47
Sex Offenses	15	8	18
Other	7	21	12
TOTAL	213	242	296

Source: PSA Statistical Profiles

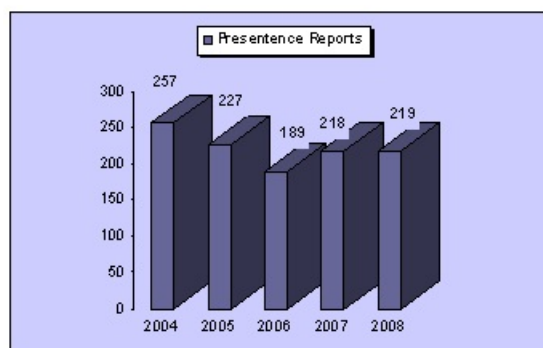
Presentence Investigations

The number of presentence reports prepared by the Probation Office in FY 2008 (219) was almost identical to the number of reports prepared in FY 2007 (218). In that respect, the Probation Office's workload was unchanged. However, the presentence unit's workload in FY 2008 was heavily impacted by the passage of Amendment 706, which was granted retroactive status, by the United States Sentencing Commission. That amendment, commonly referred to as the Crack Cocaine Amendment, resulted in significant changes to the Drug Table contained in §2D1.1, of the *Guidelines Manual*. As a result of those changes, many defendants previously sentenced in the District of Maine were eligible for resentencing. The Probation Office engaged in the review of more than 200 cases to determine which should be brought to the attention of the Court.

Ultimately, the Probation Office wrote 69 §1B1.10, Crack Cocaine Amendment reports for the Court during FY 2008.

Post-conviction Supervision

The Probation Office saw an increase of nearly 25% in the number of offenders on



Source: Probation Workload Report

post-conviction supervision, from 347 in 2007 to 433 in 2008 (Source: Table E 8). There does not appear to be any significant increase in any specific class of crime or particular offense of conviction for these offenders, but just an “across the board increase” in offenses involving drugs, firearms and property.

During 2008, there were ten officers (including a location monitoring specialist and an officer assistant) charged with the responsibility of supervising this large number of offenders. From the ranks of these officers, there were also two new specialist positions established. A treatment services specialist and a re-entry specialist were employed to assist in providing even closer and more effective supervision of offenders with drug and mental health problems, and in providing aid to offenders in obtaining housing, employment, and other much needed services during their transition from prison to the community.

Technological advances in areas such as global positioning systems (GPS) in location monitoring, use of sobriety devices (a device connected to the offender’s telephone to detect alcohol use), and drug testing methods, to name a few, continue to assist the officers in their supervision efforts and provide for alternate sanctions to address offender non-compliance. This may be the reason there were fewer revocations of supervision in 2008 than in 2007, despite the large increase in the number of offenders on supervision. The number of revocations of supervision decreased from 66 in 2007 to 63 in 2008 (Source: Table E 8), a drop from 19% to 14.5%. This decrease may also be attributed to the commitment of the officers to the successful reintegration of offenders back into the community.

Low Intensity Supervision Program

Fiscal Year 2008 was the second year of the Low Intensity Supervision (LIS) program. During the course of FY 2008, there were 53 offenders/defendants who were supervised in the LIS program. Of these 53 offenders/defendants, 27 successfully completed their supervision, and six were granted early termination. When compared with FY 2007, there was an approximately 37% decrease in the number of cases supervised in the program. However, there was an increase in the number of offenders/defendants who successfully completed their term of supervised release. While numbers have decreased slightly, the program continues to be a positive resource for both the supervision officers and the Probation Office.

Home Confinement and Electronic Monitoring

Ninety-three (93) offenders were supervised on home confinement with location monitoring during FY 2008. This is a 14.8% increase over FY 2007. Of those, 20 were pretrial cases, 52 were post-conviction cases, and 21 were Bureau of Prison (BOP) pre-release offenders (a 100.1% increase over FY 2007 BOP cases). Of the 93 offenders actively on home confinement with location monitoring, 12 were removed due to violation (13%). (Source: PACTS)

The Probation Office continued to use passive and active GPS during FY 2008. In total, eight offenders were placed on active GPS, while seven offenders were placed on passive GPS. The Probation Office continued to test one-piece active GPS products through available vendors,

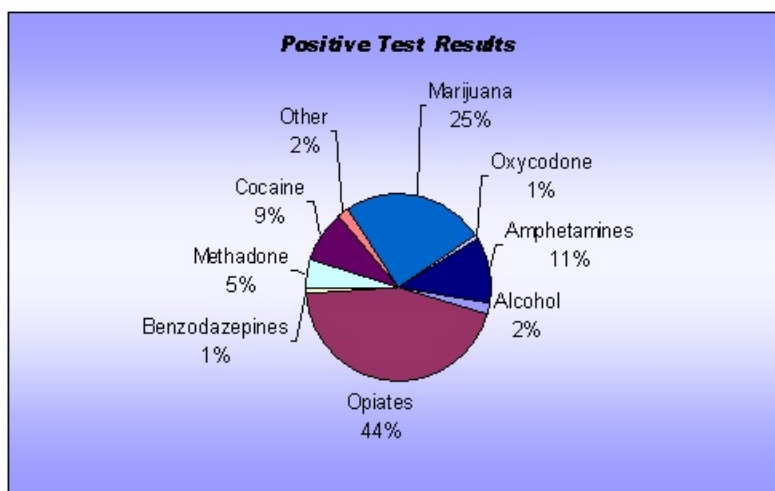
and the district was selected to test and review a one-piece unit for the Administrative Office of the U.S. Courts in 2009.

Supervisory U.S. Probation Officer Ryan Petroff continued to represent the First Circuit on the National Home Confinement Working Group. In FY 2008 this group was responsible for the revision of Monograph 113, *The Federal Location Monitoring Program for Defendants and Offenders*, along with creating “Strategies for an Effective Location Monitoring Program,” which was distributed to all districts.

In FY 2008, the Probation Office collected 41% (\$16,306.92) of the total expenditures (\$39,292.48) for electronic monitoring through offender/defendant co-payment. This collection reflects a 12.1% decrease in the percentage of co-payments collected from FY 2007. (Source: PACTS.

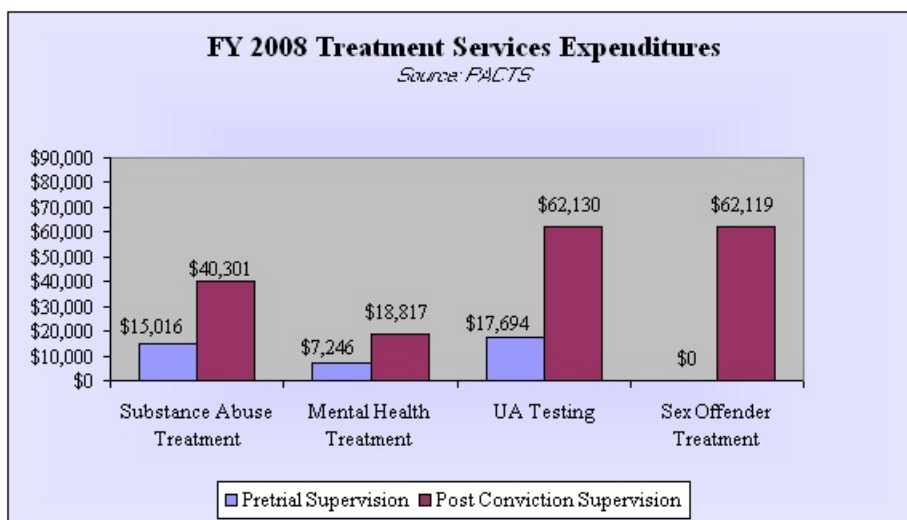
Urinalysis Testing

In FY 2008, the Probation and Pretrial Services Office continued to use urinalysis testing as an important tool in supervising offenders, taking 2,868 tests. One of the biggest changes in urinalysis testing was the addition of four new vendors. This change decreased travel time for people who had previously traveled a significant distance for testing. For testing in our offices, we continue the use of the Rapid Drug Screen, a hand held testing device. During FY 2008, we began using a 5-panel testing cup. Previously we had been using a 3-panel cup that tested for marijuana, cocaine and opiates. The 5-panel cup also includes a test strip for amphetamine and methamphetamine. Confirmation of presumptive hand held tests, as well as all tests conducted at vendor sites, continued to be conducted by Kroll Laboratories.



Treatment Services

In FY 2008, the Probation Office spent a total of \$143,498.43 on various types of treatment services (not including urinalysis testing), approximately a 26% decrease from FY 2007. The decrease in expenditures is primarily attributed to the Probation Office's philosophical approach (consistent with national treatment models) intended to reduce the reliance upon in-patient substance abuse treatment, while implementing a corresponding increase in the utilization of intensive outpatient (IOP) substance abuse treatment. In FY 2007, the Probation Office spent \$41,414 on in-patient substance abuse treatment services. This figure was reduced to \$12,939 in FY 2008, a 68% reduction in costs. (Source: PACTS)



For the first time, the highest level of spending occurred in the area of sex offender treatment. These expenditures totaled \$62,119. Substance abuse treatment expenditures followed with a total outlay of \$55,317. The Probation Office spent a total of \$26,062 on mental health treatment. The Probation Office attempted to control the costs of treatment services by collecting co-pays from the offenders referred to treatment. The Probation Office adopted the philosophical approach that shared financial responsibility by offenders serves a significant function - that is, individuals become more vested in their treatment with the introduction of an independent financial stake. In FY 2008, vendors collected total co-pays of \$18,847.08 (a decrease in the total amount collected from FY 2007, but an overall percentage increase). Of this figure, the sex offender population again paid the lion's share - \$10,382.50 (or 14.2% of the total sex offender treatment cost), followed by the substance abuse population - \$6,542.58 (or 10% of the substance abuse treatment costs). The total co-pays remitted represented approximately 13% of the total treatment services cost in 2008, and was a 3% increase from FY 2007.

In January 2008, the Probation Office formed a treatment services team, to develop a comprehensive treatment services philosophy (and standardized approach) for the district. This team formulated a Treatment Services Policy that is pending final adoption by the district in FY

2009. Additionally, the Probation Office started a limited low-cost positive reinforcement approach during FY 2008. Specifically, for offenders subject to the urine testing system, the Probation Office began to send “good job” letters to those who completed certain periods of supervision without a positive test result or missed test. Once an offender completed the urine testing system requirements, they were mailed a certificate from the Probation Office.

Finally, following the December 17, 2007, judicial administrative meeting then Chief Judge Singal authorized the Probation Office to commence a pilot intensive supervision project, based on the drug court modality, entitled Success With The Court’s Help (SWiTCH). Representatives from the Judiciary, Probation, U.S. Attorney’s office, Federal Public Defender, U.S. Marshal, and Clerk of Court held numerous meetings during FY 2008, and developed a comprehensive plan and policy for this project.

Maine Offender Re-Entry Effort

During FY 2008, the Probation Office directed its efforts to the re-entry and release of federally supervised offenders into Maine communities. Maine Offender Re-Entry Effort (MORE) was created after review of evidenced based practices and Maine’s unique offender population. This program had been implemented in other districts. The goal of MORE is to identify and ameliorate potential barriers offenders face to successful re-entry within the communities by providing: 1) information about local resources; 2) appropriate and timely referrals to community agencies; 3) employment readiness skills; and 4) workforce development.

Safety and Firearms

This fiscal year, the District of Maine combined its Officer Safety and Firearms programs, a reflection of the national movement to provide U.S. Probation Officers with a fluid training experience on the Use of Force Continuum. The SaFA Program (Safety and FireArms) will afford district staff training in which they have the opportunity to utilize the entire Use of Force Continuum based on the perceived threat, thus exposing them to realistic training that is reflective of what they may actually encounter in the course of their duties.

Additionally, to improve upon the response tactics training it provides to its staff, the District of Maine (along with the District of Vermont) purchased MILO simulation equipment. The MILO simulator allows students to be placed into a video-based scenario with training tools consistent with the tools they would normally have at their disposal. The instructor can escalate, or de-escalate, the scenario based on the student’s responses. Tools such as training firearms, inert OC spray, and flashlights interact with the system to provide a realistic training experience. The system will also be used to train support staff. These staff members can participate in office- based scenarios to utilize the skills they learn in low-level Use of Force Continuum training. MILO equipment also allows the users to record their own scenarios, thus allowing each District to film scenarios in their own office setting. This system will be a major asset to safety training for all staff.

Finally, as recommended in last year’s review by the Administrative Office, a team of officers and non-officer staff was formed to routinely review the district’s safety needs, including

training schedules, policies, and practices. The Officer Safety Instructor (OSI) and District Firearms Instructor (DFI) are standing members of the team and the other participants commit to being involved on a two-year basis.

PACTS (Probation Automated Case Tracking System)

PACTS version 5.5 was released nationally in 2008. This upgrade promotes the streamlining of PACTS in order to make it a more effective case management tool for officers and staff while continuing to capture workload and compile statistical data. A good portion of Fiscal Year 2008 was spent preparing to upgrade to this version, with which the office will “go live” during the second Quarter of Fiscal Year 2009.

This new version provides users with the capability to:

- Capture post conviction noncompliance
- Capture and view offender profile snapshots at various intervals of Pretrial Services and Post Conviction
- Streamline and improve tracking of Clinical Services
- Capture periods of unemployment as well as employment
- Maintain collateral information on offenders in one central location
- Document tax information

The National PACTS project, known as PACTS Generation 3, is underway and will eventually replace the existing case management system. This new system will operate on a single national database which will allow direct access to case information within the 94 districts.

Budget

Total expenditures in FY 2008 increased by 4% over FY 2007. Expenditures for Salaries, Operations, Telecommunication and Automation all increased. During FY 2008, the District purchased new switches and servers to upgrade our IT infrastructure. Additionally, supplemental funds were used to purchase a use of force judgment simulator (to be shared with the District of Vermont).

FY 2008 TOTAL EXPENDITURES	
Salaries	\$1,931,444.55
Treatment Services (including electronic monitoring & UA Testing)	\$245,005.46
Operations	\$161,719.33
Equipment & Furniture	\$13,055.80
Telecommunications	\$59,386.48
Automation	\$84,371.26
Use of Force	\$65,613.58
Judgement Simulator	
TOTAL	\$2,560,596.46

Source: FAS⁴T

Community Outreach and Volunteer Service

Autism and Law Enforcement: Several years ago, Matt Brown, a probation officer, developed a program to train law enforcement officers and other first responders how to identify and interact with persons with Autism. This past year, the Maine Criminal Justice Academy agreed to make the training program on Autism mandatory for all officers in the State of Maine. Matt led a team of approximately ten law enforcement officers from across the state, representing agencies such as the Maine State Police and several county and municipal police departments. Feedback on the program has been very positive and the Maine Warden Service recently reported that as a result of the training, several lost and wandering children with Autism have been recovered safely near water sources.

Missing Children's Day Event: In May, Officers Robert Jeffery and Bryce Turgeon participated in a fingerprinting event held at the Manchester Middle School in Windham.

Outreach to High Schools, Colleges and Law Enforcement Associations: Bob Jeffery carries on the tradition of speaking at Brewer High School law classes, and has also spoken on behalf of probation to a law enforcement class in Bangor. Wade Maddox represented the Probation Office at Husson College as part of a lunchtime career display and Tim Duff spoke to a

class at the vocational school in Lewiston. Julie Morse spoke at a dinner meeting of the Waldo County Law Enforcement Association.

Wayside Soup Kitchen: Matt Brown, along with his wife and three children, continue to lead several Probation employees who volunteer with preparation and serving the evening meal at the soup kitchen.

Penobscot County Board for the Emergency Food & Shelter Program (EFSP/FEMA): Wade Maddox serves for the second year, as an unaffiliated board member of EFSP/FEMA. This board, which is comprised of other local, state and federal government officials, business professionals, counseling agencies and a representative of the Penobscot Nation, is tasked with reviewing proposals from nonprofit organizations that are seeking federal funds for soup kitchens, homeless shelters, meals on wheels, counseling agencies and other programs. The board meets annually to review applications for funding and make determinations on funding distribution and allocation.

Pharos House- Residential Re-entry Center - Julie Morse continues to serves as an advisory member of the Board of Directors at Pharos House.

Volunteer Lawyers Project - Tim Duff continues to screen calls one evening each week.

Fed Facts-The Real Deal- Officers Ryan Petroff, Tim Duff and Matt Brown have continued their involvement with Deering High School's Street Law class, where they present this national program. The program is also presented at Day One's Intensive Outpatient Program for teenagers by Karen Moody and former offender Al Joyce.

KidsPeace- This is the eleventh year that Al Garcia and his family have served as a specialized therapeutic foster family. The Garcia family provides long term foster placement for children with behavioral, emotional and/or physical disabilities. Over the course of eleven years, the Garcia family has provided placement for 26 foster children.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DISTRICT COURT

The Clerk's Office for the District of Massachusetts operates with a staff of eighty (80) employees and fifteen (15) court reporters. Offices are located at 1 Courthouse Way in Boston, 300 State Street in Springfield and 595 Main Street in Worcester. The Clerk's Office provides record keeping, case management, automation, financial and other services for the District Court. The operating budget for fiscal year 2008 was \$9,114,892 for salaries, automation and administrative expenses. This total represented a 9% increase over the fiscal year allotment in 2007.

The United States District Court for the District of Massachusetts currently has thirteen (13) active Article III judges, two senior judges and seven authorized full-time magistrate judges.

Judge Rya W. Zobel participated in the 40th anniversary celebration of the Federal Judicial Center (FJC). The event, held in September 2008, was hosted by Lewis & Clark Law School (Portland, Oregon) and cosponsored by the FJC and the American Academy of Appellate Lawyers.

Judge Nathaniel M. Gorton completed his seven-year term on the Foreign Intelligence Surveillance Court and received recognition and appreciation for his service from Chief Justice John G. Roberts, Jr. and Attorney General Michael B. Mukasey at the Annual Meeting of the United States Supreme Court in May 2008.

Judge Richard G. Stearns began his term of service on the Judicial Conference Committee on Judicial Security. The Committee reviews, monitors and proposes policies regarding the security of the federal judiciary, including protection of court facilities and proceedings, and protection for judicial officers, other officers and employees of the judiciary, and any immediate family members of such persons at federal court facilities and other locations.

Judge Patti B. Saris continued her term of service on the Judicial Conference Committee on the Budget which assembles and presents to Congress the budget for the judicial branch. She is on two working groups: the working group on CJA vouchers, and the working group on courtroom sharing. Judge Saris currently is serving as Vice President of Space and Planning for the Federal Judges' Association. With respect to non-judicial activities, she is on three Visiting Committees at Harvard University, and on the boards of two private philanthropies, one of which is "Bottom Line" that helps inner city youth obtain admission to college. In September 2008, Judge Saris presided over the first ever naturalization ceremony held at Fenway Park.

Judge Nancy Gertner has been an instructor since 1998 and continues to teach sentencing at the Yale Law School. In January 2008, Judge Gertner taught as a Visiting Wallace S. Fujiyama Professor at the William S. Richardson School of Law - University of Hawaii. Also in January, she became a Leadership Council Member of the International Center for Research on Women. In August, she received the Thurgood Marshall Award from the American Bar Association (ABA) Section of Individual Rights and Responsibilities, only the second woman to receive it (Justice

Ruth Bader Ginsburg was the first). Judge Gertner was involved in a Summit Program hosted by the National Conference of Women's Bar Associations. In October, she spoke in Arizona at the Federal Capital Defense Strategy Session in connection with the Federal Defender's Office, and also traveled to China, sponsored by Wellesley College Centers for Woman and the China Law Center at Yale Law School. Judge Gertner currently partners with the Wellesley Centers for Women's international initiatives to promote the human rights of women and children. Judge Gertner spoke at the Association of American Law Schools' Conference on Evidence, and served on a panel of the Annual National Seminar on the Federal Sentencing Guidelines hosted by the Federal Bar Association and the United States Sentencing Commission in cooperation with the ABA Criminal Justice Section. At John Jay College of Criminal Justice, Judge Gertner was part of a panel entitled "Sentencing, Sanction and Community Impact: A Federal Judge Reflects on a Downward Departure." She took part in a Symposium of the Annual Survey of American Law at New York University and will be issuing a paper entitled, "Tradeoffs of Candor: Does Judicial Transparency Erode Legitimacy?" Along with Judith Mizner, she released an update to their book "The Law of Juries." She is a fellow of the American College of Trial Lawyers, is on their Criminal Law Committee, and participated in a program on jury trials. In 2008, Judge Gertner concluded her term of service on the Judicial Conference Committee on Information Technology.

Judge Michael A. Ponsor started his term of service on the Judicial Conference Committee on Space and Facilities. The Committee reviews, monitors and proposes to the Judicial Conference policies regarding the judiciary's space and facilities requirements and makes recommendations for changes as appropriate. Thanks to the efforts of Judge Ponsor and many others, the new Springfield courthouse was formally opened on Monday, October 6, 2008, the culmination of more than a decade of work. Among the ribbon-cutters were U.S. Senator John F. Kerry, D-MA and Congressman Richard E. Neal, D-MA.

Judge F. Dennis Saylor IV served as an Adjunct Professor of Law at Boston University School of Law from September through December 2008. Throughout the year, Judge Saylor served as a panelist on Worcester County Bar Association (WCBA) legal education seminars and Massachusetts Continuing Legal Education (MCLE) programs. In January 2008, Judge Saylor was a panelist on the Boston Bar Association (BBA) program entitled "The Cutting Edge Issues in Criminal Law." This annual seminar gives practitioners an overview of critical changes in state and federal criminal law as well as anticipated issues for the future.

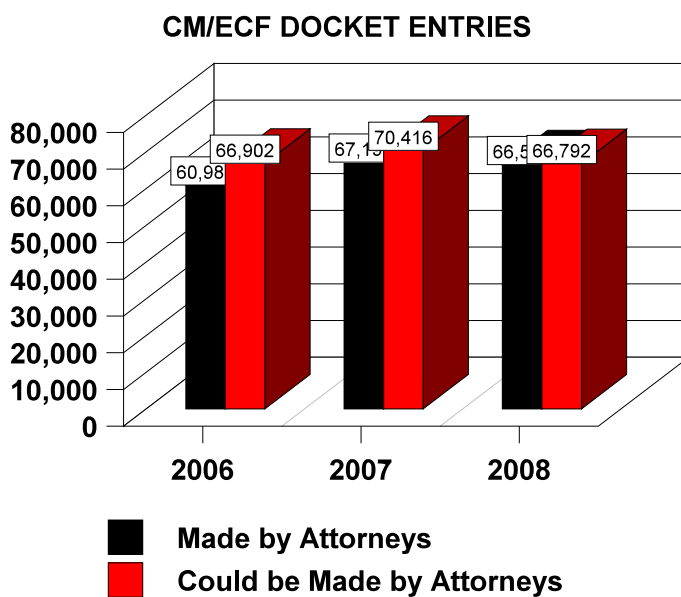
Magistrate Judge Marianne B. Bowler began her term of service on the Judicial Conference Committee on International Judicial Relations. The Committee coordinates the federal judiciary's relationship with foreign judiciaries and with agencies and organizations interested in international judicial relations. The Committee makes recommendations as appropriate to the Chief Justice, the Judicial Conference of the United States, and other judicial entities.

Magistrate Judge Leo T. Sorokin continued his active involvement in reentry initiatives both in and outside of the District of Massachusetts. Magistrate Judge Sorokin spoke at conferences sponsored by the United States Sentencing Commission, the Federal Judicial Center and Duke University Law School. Magistrate Judge Sorokin continued to preside over the Court Assisted Recovery Effort (CARE) which celebrated its first graduation in February 2008. Magistrate Judge

Sorokin also hosted representatives from other federal districts as they visited the District of Massachusetts to observe the CARE Program.

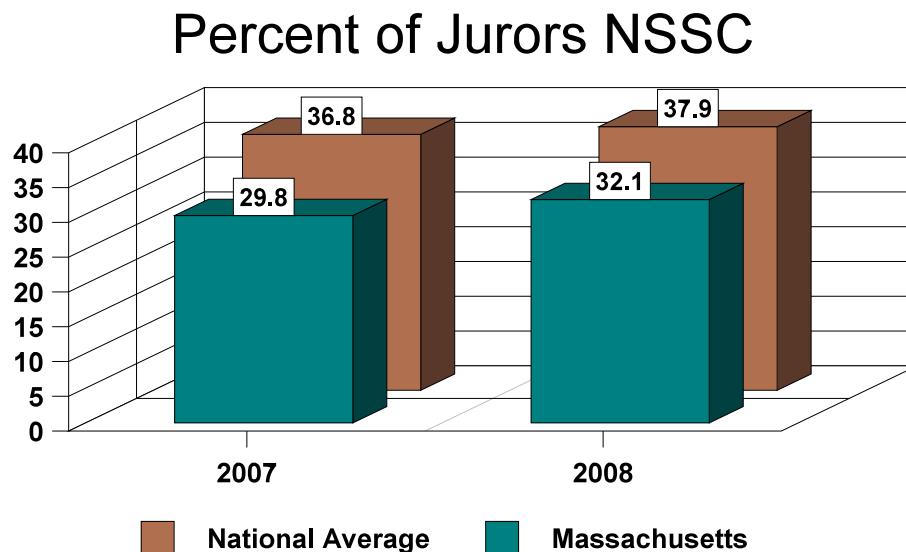
Magistrate Judge Judith G. Dien served as the First Circuit representative to the Federal Magistrate Judges Association. An active participant in the Children Discovering Justice Program, Magistrate Judge Dien served as a faculty member at the Harvard Trial Advocacy Program for law students (January term) and judged a mock trial for the American Bar Association.

Effective January 1, 2006, the Court ordered that all documents submitted for filing in all pending civil and criminal cases, except those documents specifically exempted, must be filed electronically.

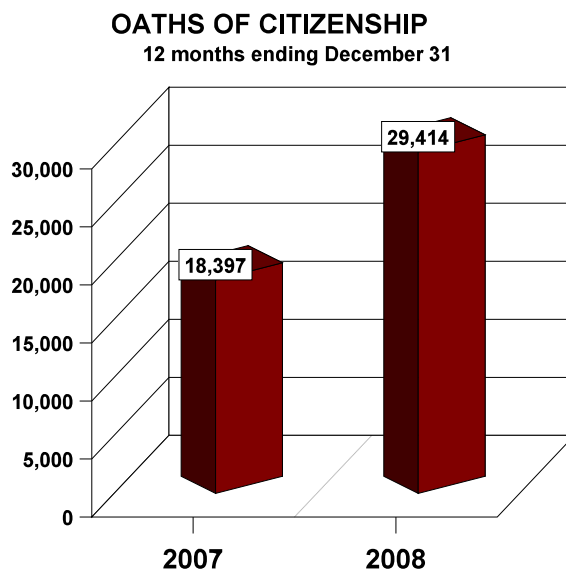


As seen above, there has been a significant increase each year in the numbers of CM/ECF docket entries made by attorneys. During 2006, (60,987 of 66,902) 91.2% of all electronic entries that could be made by attorneys were. In 2007, that number increased to 95.4% (67,192 of 70,416) and in 2008, 96.5% (64,512 of 66,792).

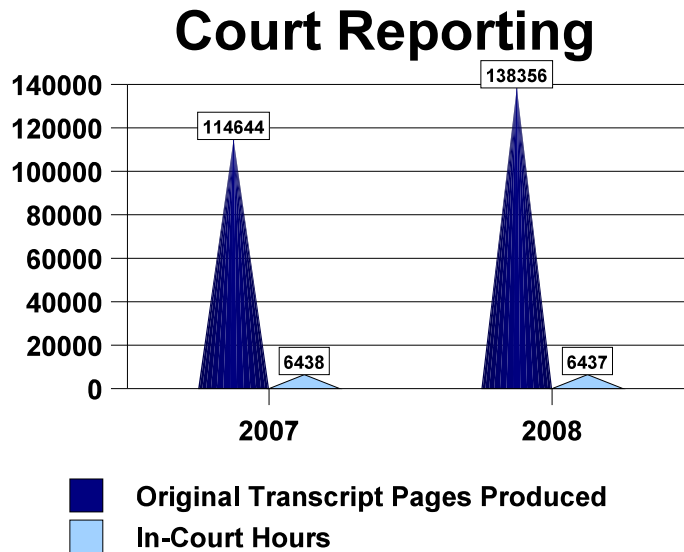
For the twelve month period ending December 31, 2008, 32.1% of the jurors reporting for service in the District of Massachusetts were listed as not selected, serving, or challenged (NSSC). This was an increase from the 26.4% reported in 2006 and the 29.8% reported in 2007, but still below the national average for 2008 of 37.9%. The Judicial Conference has set an approved utilization goal of 30% or less.



The Citizenship and Immigration Services (CIS) worked in conjunction with the District Court to conduct a total of (58) naturalization ceremonies in 2008. The oath of citizenship was administered to (29,414) immigrants. This represented a 59.8% increase from 2007 when (18,397) new citizens were sworn.



As indicated in the table below, original transcript pages produced increased 20.6% in 2008 while the number of in-court hours remained virtually the same. Each reporter averaged (9,223) original transcript pages and (429) hours in court.



There were (1,112) Criminal Justice Act (CJA) vouchers processed in 2008. This represented an increase of (107) vouchers or 10.6% from 2007. The total dollar amount of CJA payments in 2008 increased by \$14,341.00. This marked the sixth time in seven years that CJA payments increased in the District of Massachusetts.

Year	CJA Payments	Number of CJA Vouchers Processed
2007	\$4,662,262	1005
2008	\$4,676,603	1112

Court interpreters were provided for (406) cases in 2008. Of those, (325) 80% spoke Spanish. The remaining (81) 20% of cases required interpreters for (10) other languages including Cantonese and Vietnamese. A total of \$95,556 was spent for interpreting services in 2008, a decline of 15.8% from 2007 (\$113,565). The table below depicts interpreter usage in the District of Massachusetts during 2008.

Language	In-Court Events	Out-of-Court Events
Cantonese	2	0
Hindi	5	0
Italian	3	0
Lao	1	0
Mandarin	2	0
Polish	1	0
Portuguese	42	0
Russian	4	0
Spanish	323	0
Spanish	2	0
Vietnamese	21	0
Totals	406	0

The Alternative Dispute Resolution (ADR) Program continued to play a vital role in pre-trial resolution of a broad range of civil matters during the year of 2008. A total of 277 cases were referred to the ADR Program, and 201 were mediated in the same year. The majority of cases were mediated by Senior Judge Morris E. Lasker, assisted by seven magistrate judges in Boston, Worcester and Springfield. In addition to the mediations conducted by judges, the Court's ADR Panel, a group of professional mediators who provide services to the Court on a voluntary basis, mediated a small number of cases. The overall rate of settlement was about 65% in 2008.

On January 1, 2008, the Court began a two-year Pilot Project for the assignment of a percentage of new civil case filings directly to magistrate judges in Boston and Worcester. This practice has been in effect in Springfield for many years.

The Clerk's Office tabulated the number of civil cases drawn to magistrate judges and, within these cases, the numbers consenting, declining to consent, reassigned to a District Judge for other reasons, terminated prior to a decision, and pending. These statistics are tracked separately for Boston, Worcester and Springfield.

After one year, the rate of consent was one-third to one-half, and equivalent to the rate of consent in Springfield. Of the cases in which the parties made a decision to consent or decline in 2008, 43% in Boston consented, 50% in Worcester consented and 42% in Springfield consented.

The total number of trials commenced in this district rose 35.7 % in 2008, from (378) in 2007 to (513) this past year. Similarly, the total number of jury and non-jury trials during this period increased 11.6% from (163) in 2007 to (180) in 2008.

Total in-court hours fell from (9,606) in 2007 to (8,894) in 2008. Days on trial rose from 1,108 days in 2007 to 1,294 days in 2008. Hours on trial increased 5% in 2008 (4,002 hours in 2007 to 4,202 in 2008). The total amount of in-court hours spent on matters other than trials decreased from (5,605) in 2007 to (4,692) in 2008, a drop of 16.3%. Even with a decrease of in-court hours, the District of Massachusetts continued to eclipse the national average of in-court hours reported by active judges in 2008. Active judges in this district averaged (441.1) in-court hours, compared to (354.2) nationally. Trial hours were 251.5 versus 189.3, respectively.

BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

In calendar year 2007, there were 13,705 new cases filed in the District of Massachusetts, while in 2008 there were 16,538 new cases, an increase of 20.7 %. This is a dramatic change from the 8,400 cases filed in 2006, the first full year after the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA).

Filings by pro se, or unrepresented debtors, nearly doubled after BAPCPA, but have since declined somewhat. There were 1186 pro se cases filed in 2007 and 989 in 2008. Since the adoption of BAPCPA, pro se Chapter 13 filers have outnumbered pro se Chapter 7 filers. The decline in pro se cases is due in part to the efforts of the pro se law clerk who has been actively involved throughout the state in organizing a response from the private bar to the need for legal assistance. She has met with many bar groups and individual attorneys in an effort to develop a referral service and legal safety net for those in need. She has also organized informational

sessions for pro se debtors and potential debtors in Boston, Worcester and Springfield led by private attorneys who discuss the bankruptcy process. One of the purposes of these sessions is to encourage pro se filers to seek legal counsel.

The Bankruptcy Court will move into the refurbished John W. McCormack Post Office and Courthouse in November 2009. The clerk's office and chambers will occupy the entire 11th floor; the court will use three historic courtrooms on the Milk Street side of the 12th floor; and the Systems Department will be on a portion of the 10th floor. The thorough renovation of the building has revitalized its art deco character while providing an entirely new mechanical infrastructure and modernizing its heating, ventilation and air conditioning (HVAC) systems. As part of this renovation, each of the courtrooms will be outfitted with state-of-the-art audiovisual equipment. The building will have live plants indigenous to the area on the roofs at the 4th and 5th levels and the building is on target to meet the LEED "gold" standard as a green building. The five green design categories are sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Since the Environmental Protection Agency (EPA) will be the largest tenant in the building, attaining this level of green in a historic renovation is an achievement in which the GSA, the EPA and all tenants can take pride.

Each of the bankruptcy judges and the clerk participated in seminars, panel discussions and meetings throughout the year, continuing the tradition of serving the bar and the public by participating in numerous and varied educational forums. The judges served as panelists on local, regional and national programs presented by entities such as Massachusetts Continuing Legal Education, the Boston Bar Association, the Practising Law Institute, the National Association of Consumer Bankruptcy Attorneys, and the American Bankruptcy Institute.

Judge Joan N. Feeney serves on the Judicial Conference's International Judicial Relations Committee. She also serves on the board of the American Bankruptcy Institute and is the coauthor of the West treatise "Bankruptcy Law Manual." Since its inception several years ago, Judge Feeney has served as co-chair of the M. Ellen Carpenter Financial Literacy Project, a joint Bankruptcy Court/Boston Bar Association effort to promote financial literacy among high school seniors. The program conducts classes in schools in Boston, Worcester and Springfield. The program has five one-hour modules, the last of which is a visit to the bankruptcy court for a mock Meeting of Creditors and a hearing on a Motion for Relief from the Stay to repossess an automobile. Chief Judge Henry Boroff and Judge Joel Rosenthal support the literacy project by conducting these courtroom sessions in Springfield and Worcester respectively.

Judge William Hillman continues to serve on the Judicial Conference's Committee on the Administrative Office and serves on the National Conference of Commissioners on Uniform State Laws where he chairs the Committee on the Uniform Debt-Management Services Act. He also serves on the Uniform Law Commissioners Study Committee on Bank Deposits.

PROBATION OFFICE DISTRICT OF MASSACHUSETTS

In recent years, the District of Massachusetts has observed a small, but steady, increase in the number of defendants sentenced each year. In 2004, 458 Presentence Investigations were assigned, while in 2008, there were 517 investigations assigned. This upward trend was significant during the past year, particularly in light of the U.S. Sentencing Commission's promulgation of the Crack Cocaine Amendment which reduced penalties for crack cocaine

offenses. The retroactive application of this amendment required staff to ensure that all of the implicated crack cocaine cases were handled properly and in a timely fashion. The Presentence Unit responded to this increased workload proactively and efficiently and received high praise for its efforts in working collaboratively with the Court, the Clerk's Office, defense counsel, and the government.

During 2008, the Supervision Unit also experienced an increased caseload. Historically, the District of Massachusetts had supervised approximately 1225 offenders per year; however, in 2008, there were close to 1300 offenders. This caseload increase may have been due in part to the retroactive application of the Crack Cocaine Amendment, as a number of offenders were released to community supervision following sentence reductions.

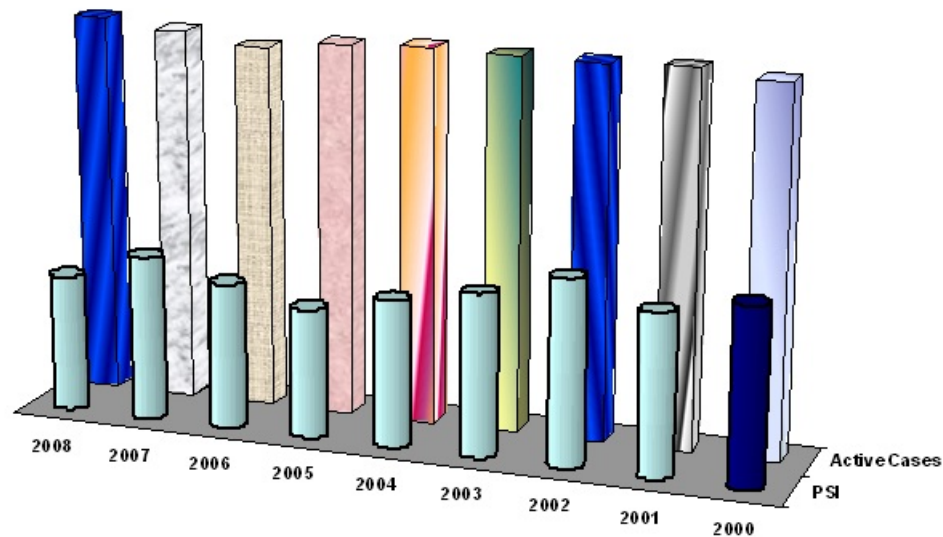
In 2008, to support the success of important community based programs, the office collaborated with various community agencies, formed new community partnerships, and built upon many existing interagency relationships. The staff worked with the Massachusetts State Parole Department, Bunker Hill Community College, the Massachusetts State Department of Corrections, and with local colleges (to offer internship opportunities and for assistance with statistical analysis), and numerous other agencies which provide health care and employment services.

In addition, the office worked to embrace evidence-based practices practices informed by the results of scientific research and shown to reduce recidivism and increase public safety. One such evidence-based practice is the CARE program (Court Assisted Recovery Effort): a problem solving court serving the most difficult substance-abusing offenders. To build upon the successes of the CARE program, the office is working hard to develop another problem solving court focused on high risk offenders re-entering the community. Further embracing evidence-based practices, staff has also begun utilizing Motivational Interviewing (MI) techniques. Currently, a core group of managers and officers from both the Presentence and Supervision Units are receiving MI training and, ultimately, these techniques will be implemented district-wide.

The following charts and graphs provide a statistical overview of the Probation Department's workload.

2008			
Total Defendants Sentenced:	451		
Total Defendants Sentenced >= 1 Month:	393		
Average Jail Sentence >= 1 Month:	70.09	Median Jail Sentence >= 1 Month	57.00
Percentage Sentenced >= 1 Month	87.14%		
Months (Split-Type-CTC, Home Det., Probation):	20	Percentage Sentenced Between 1 - 6 Months	4.43%
Total Defendants Sentenced to Probation:	43	Percentage Sentenced to Probation	9.53%
Total Career Offenders and ACC:	38	Percentage Career Offenders and ACC:	8.43%
Average Sentence for Career Offenders and ACC:	127.71	Median Sentence for Career Offenders and ACC:	120.00
Average Jail (Months - Excluding Career Offenders):	63.92	Median Jail (Months - Excluding Career Offenders):	50.00
Average Time to Disposition	187.58	Median Time to Disposition	120.00
Average Time to Disposition (No Cooperation):	156.38	Median Time to Disposition (No Cooperation)	119.00
Number of Cases with Safety Valve:	76	Percentage of Cases with Safety Valve:	16.85%
Total Departures UP:	4	Percentage of Departures UP:	0.89%
Total Departures DOWN:	77	Percentage of Departures DOWN:	17.07%
Total Cases Outside Advisory System Above	12	Percentage of Cases Outside Advisory System Above	2.66%
Total Cases Outside Advisory System Below *	226	Percentage of Cases Outside Advisory System Below	50.11%
Number of Guilty Pleas:	416	Percentage of Guilty Pleas	92.24%
		Percentage of Pleas Excluding Career Offenders:	91.59%
Total Cases Cooperation	36	Percentage Downward Departure With Cooperation:	7.76%
Number of Downward Departures Without Cooperation:	42	Percentage Downward Departure Without Cooperation:	9.31%
Average Sentence With Cooperation	34.03	Median Sentence With Cooperation	12.00
Average Sentence Without Cooperation	63.42	Median Sentence Without Cooperation	48.00
Total Number of Drug Cases:	237	Percentage of Drug Cases	52.55%
Average DRUG Sentence:	73.54	Median DRUG Sentence:	60.00
Total Mandatory Minimum Cases:	210		
Average Mandatory Minimum Sentence	91.81	Median Mandatory Minimum Sentence	72.00
Total Cases - Drugs WITH Mandatory Minimum	181		
Average Sentence - Drugs WITH Mandatory Minimum	83.28	Median Sentence - Drugs WITH Mandatory Minimum:	70.00
Total Cases - Drug OR Mandatory Minimum:	266		
Average Sentence - Drug OR Mandatory Minimum	81.34	Median Sentence - Drug OR Mandatory Minimum:	65.00
Total Defendants - NO Drugs, Man/Min OR Career:	180	Percentage - NO Drugs, Man/Min OR Career:	39.91%
Average Sentence - NO Drugs, Man/Min OR Career:	29.47	Median Sentence - NO Drugs, Man/Min OR Career:	22.00
Total Defendants - NO Man/Min OR Career:	226	Percentage - NO Man/Min OR Career:	50.11%
Average Sentence - NO Man/Min OR Career:	29.92	Median Sentence - NO Man/Min OR Career:	24.00
Total Cases Handled By CJA:	228	Percentage of Cases Handled By CJA:	50.55%
Total Cases Handled By Federal Defender:	66	Percentage of Cases Handled By Federal Defender:	14.63%
Average Sentence in Cases Handled by Retained Counsel:	53.46		
Average Sentence in Cases Handled by CJA Counsel:	62.71		
Average Sentence in Cases Handled by Federal Defender:	72.79		
Total Cases (Mandatory Minimum OR Drug OR Career Offender) Handled by Retained Counsel:	81	Percentage of Cases (Mandatory Minimum OR Drug OR Career Offender) Handled by Retained Counsel:	17.96%
Total Cases (Mandatory Minimum OR Drug OR Career Offender) Handled by Federal Defender:	38	Percentage of Cases (Mandatory Minimum OR Drug OR Career Offender) Handled by Federal Defender:	8.43%
Total Cases (Mandatory Minimum OR Drug OR Career Offender) Handled by CJA Panel:	152	Percentage of Cases (Mandatory Minimum OR Drug OR Career Offender) Handled by CJA Panel:	33.70%
Total Cases with Fines or Restitutions:	103	Percentage of Cases with Fines or Restitution:	22.84%
Total Fines and Restitution:		\$87,450,672	
Acceptance of Responsibility Reduction Applied:	410		

Active Cases & Presentence Reports Fiscal Year 2000 - 2008



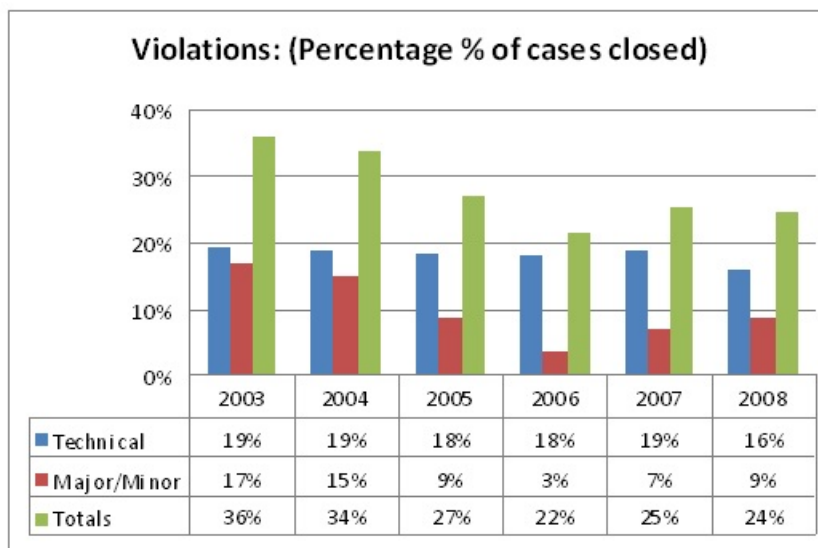
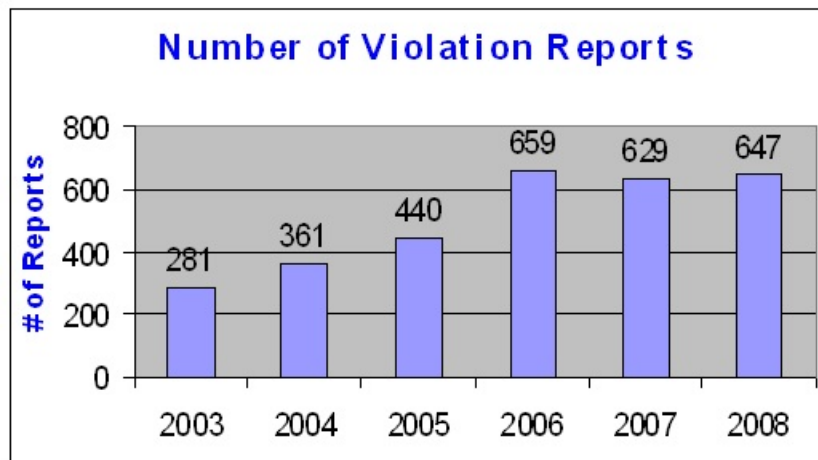
	2008	2007	2006	2005	2004	2003	2002	2001	2000
PSI	458	551	488	431	489	542	620	540	592
Active Cases	1282	1262	1215	1244	1255	1246	1242	1250	1223

Active Supervision Summary Information

Total Active Cases as of 03/20/2009:	1307
Total number of Offenders employed at the start of Supervision:	598 45.8%
Total Not employed at the start of Supervision :	709 54.2%
Number of Offenders on Active Supervision with Prior Felony Convictions:	629 48.1%

Education Level at Start of Supervision

Education Description	Total	Percentage
Voc School Grad	4	0.3%
No Level	12	0.9%
Post Graduate	35	2.7%
Elem-Thru 8th Grade	84	6.4%
College Graduate	114	8.7%
Unknown	155	11.9%
Graduate Equivalency	192	14.7%
Some High School	214	16.4%
Some College	214	16.4%
High School Diploma	278	21.3%



PRETRIAL SERVICES OFFICE DISTRICT OF MASSACHUSETTS

Staffing

During the course of FY 2008, U.S. Pretrial Services staffed offices at three sites in the District and, by the end of the fiscal year, carried a compliment of sixteen full time employees. Two new hires were established in 2008, a line officer in the Boston office and the creation of a pretrial services technician position in the Springfield office.

The new courthouse in Springfield became operational in August 2008. The new space for pretrial services vastly improved the work environment. The Springfield office began the fiscal

year with a staff of one line officer. By fiscal year's end, a second position was added, pretrial services technician.

The office located in the Harold D. Donohue Federal Building and Courthouse in Worcester continued to be staffed by one line pretrial services officer. The office located in the John Joseph Moakley U.S. Courthouse in Boston was comprised of the chief pretrial services officer, one supervisory pretrial services officer, one drug and alcohol treatment specialist, one home confinement/monitoring specialist, four pretrial services officers, one pretrial services officer assistant, one budget and procurement manager, one data quality analyst, and one pretrial services clerk.

In FY 2007, Pretrial Services created the position of U.S. Pretrial Services Human Resource Technician. In a continuing commitment to the concept of shared administrative services, the position in FY 2008 was enhanced to that of Human Resource Assistant. The duties and responsibilities of this position are shared with the Clerk's Office and the U.S. Probation Office. In addition, from May 2008 through August 2008, five students from area colleges participated in this agency's student internship program, begun in 2005.

Training

The office continued to emphasize the importance of career development and training in FY 2008. Pretrial Services Officers are required to receive a minimum of 40 hours of formal training and continuing education. All staff attended a variety of training classes. Officers participated in safety training programs both in the district and together with the surrounding districts of Maine, New Hampshire, Connecticut, and Rhode Island. The district's Electronic Monitoring Specialist and the Supervising U.S. Pretrial Services officer attended technology training sponsored by the electronic monitoring vendor, BI, Inc. Officers participated in both live and taped distance training through the Federal Judicial Television Network on topics such as cybercrime, supervising defendants suffering from substance abuse and supervision of defendants charged with sex crimes. The Human Resource Assistant attended training in the application of the Human Resources Management Information System (HRMIS).

In FY 2008, Pretrial Services launched the document imaging project. This project required the training of a clerical staff member in the technology and practice of document imaging and in the use of the high tech equipment required to complete the project. This project will continue in FY 2009.

In May 2008, the Pretrial Services Office joined with the Probation Office in sponsoring The National Threat Group Conference held in Boston. This three day conference was attended by over 100 U.S. pretrial services and U.S. probation officers from around the country. The conference featured experienced guest speakers from both federal and state law enforcement agencies as well as social services' professionals.

In September 2008, Pretrial Services sponsored its first employee off-site training event designed to provide pretrial services employees and other courthouse employees with personal training in the Thrift Savings Plan along with overall retirement planning. The guest speaker was the Administrative Office's Director of Retirement Planning.

This office also continued its participation in a regional CISM Team (Critical Incident Stress Management) along with the U.S. Probation Offices in the Districts of Maine, Massachusetts New Hampshire, Vermont, Rhode Island, and Connecticut. Members participated in quarterly meetings and as attended specialized training.

Budget and Facilities

The U.S. Pretrial Services for the District of Massachusetts received a total of \$1,880,366 in funding for FY 2008. This amount represented a decrease of 5% from the funding allotted in FY 2007. This decrease was realized mostly in our law enforcement allotment. In fact, personnel funding received in FY 2008 represented a 9% increase over personnel funds allotted in FY 2007. The amount allotted for personnel funding in FY 2008, \$1,478,036 represented 79% of the total allotment in FY 2008. The funds received in the law enforcement account (Alternatives to Detention), \$258,421, represented 14% of the total allotment, and the remaining allotments for Information Technology and Capitol Goods represented a combined 7% of the total budget for FY 2008.

Policies and Procedures

As in prior fiscal years, communication between this agency, the U.S. Marshals Service, the U.S. Attorneys Office, and the staff of the magistrate judges, as well as the district judges and the defense bar, continued to be excellent. Information on arrests and summonses on criminal complaints and indictments was readily available. Initiated in January 2004, the Attorney Pilot Project continues to require that all defendants have access to defense counsel prior to their pretrial services interview. In Fiscal Year 2008, the agency's interview rate was 57%. In Fiscal Year 2008, the combined interview rate in the First Circuit was 82% and the national average for pretrial interviews was 65%.

In cases where defendants, on advice of counsel, declined to be interviewed, or access to the defendants was delayed pending the authorization to interview, modified investigative reports were provided which included a prior criminal record and other pertinent information available from collateral sources. In FY 2008, pretrial services officers submitted bail reports in 99% of all new cases.

Communication and sharing of information with the U.S. Probation Office remained constant. Probation officers preparing pre-sentence Investigation (PSI) reports had access to the file of each defendant at the plea stage and throughout the pendency of the proceeding. The ultimate goal of the document imaging program and the reports module in the Probation and Pretrial Services Automated Tracking System database (PACTS) is to make the free flow of information between pretrial services and probation more efficient.

Pretrial Services continued to provide release status letters to the judicial officers, the probation office, the United States Attorney's Office, and to defense counsel at the time of conviction or disposition. Each letter outlined compliance with release conditions over the course of the defendant's pretrial release.

Electronic Monitoring, Testing, Treatment, and Other Services

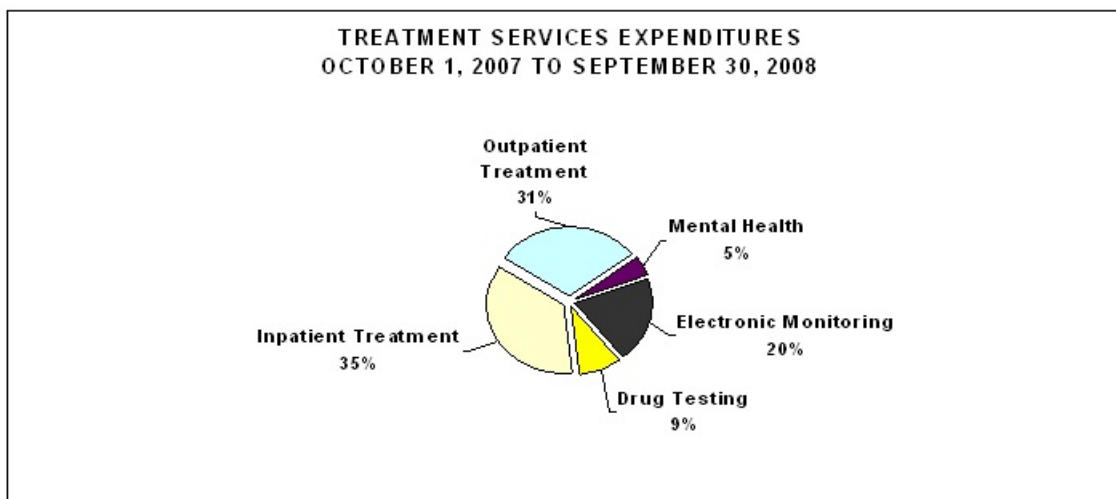
Electronic monitoring continued to play an important role in the release of defendants viewed as posing substantial non-appearance and/or safety risks. During the course of FY 2008, pretrial services supervised a total of 103 defendants released on electronic monitoring. Fifty-four defendants were new releases in FY 2008 and 49 defendants were carried over from prior fiscal years. The average length of time a defendant was supervised on electronic monitoring in FY 2008 was 267 days. An additional 32 defendants were supervised by use of a computer based voice recognition system, which is an alternative system to electronic monitoring in supervising a court imposed curfew condition. In FY 2008, the total cost of supervising defendants released on electronic monitoring or voice recognition was \$67,278.00

In FY 2008, the daily per defendant cost of detention was \$66.27. The daily cost of electronic monitoring per defendant in FY 2008 was \$3.18. The cost of detaining 103 defendants in FY 2008 would have been just over \$1.8 million.

In cases where defendants admit to, or test positive for, narcotics, submitting to substance abuse testing is an extremely valuable condition of pretrial release. Urinalysis was conducted at the three court locations (Boston, Worcester and Springfield), as well as at contracted private facilities (drug treatment programs). During FY 2008, 1,967 urine samples were obtained from defendants by use of hand held units, referred to as Non Instrumented Drug Testing Device. An additional 674 samples were sent to the national laboratory for analysis.

Detection rates for the 674 urine samples sent to the national laboratory for analysis were: 174 confirmed positive for narcotics, representing 26% of the urine samples tested by the national laboratory. This office continued to utilize a third tool for detecting drug use - a sweat patch. In FY 2008, 260 sweat patches were applied. The total cost for substance abuse testing was \$28,767. This amount represented an increase in costs over FY 2007 of \$5,900.

During FY 2008, as in all previous fiscal years, Pretrial Services contracted under the U.S. Probation Offices' Blanket Purchase Agreements (BPA) for both outpatient and inpatient substance abuse and mental health treatment. In FY 2008, pretrial services continued to contract under the Bureau of Prisons contract for services at the Community Resource for Justice - the BOP halfway house. During FY 2008, pretrial services contracted (through the U.S. Probation Office's Purchase Agreements) the services of four (4) inpatient substance abuse residential programs, twelve (12) outpatient substance abuse programs, and five (5) mental health counseling programs. In FY 2008, a total of eighteen (18) defendants participated in contracted inpatient treatment programs. An additional thirty one (31) defendants participated in both group and individual outpatient drug, alcohol, and mental health counseling (including mental health evaluations) on a contract basis. The total cost of all treatment services for FY 2008 was \$119,179.



Cases Activated, Interviews Conducted, Violation of Conditions, Failure to Appear, and Rearrest

In the District of Massachusetts, a total of 566 new cases were activated during FY 2008. After adjusting for cases dismissed or defendants returned to state custody (no release/detention issue), immigration cases and cases transferred out of the District (removed), 476 cases were subject to a release/detention hearing. Two-hundred-ninety-three (293) defendants were ordered detained (62%) and 183 defendants were released (38%). The national detention rate in FY 2008 was 62.5% and the release rate was 37.5%.

Over the course of FY 2008, a total of 1,635 cases were open. Of these cases, 784 were on release status (48%). These figures include cases remaining open and carried over from previous fiscal years. The cost of supervision nationally in FY 2008 was \$6.09 per day per defendant. This equates to a cost of pretrial supervision in FY 2008 per day per defendant in the District of Massachusetts of \$1.7 million.

Once on supervision, the role of a pretrial services officer is to monitor compliance. In FY 2008, pretrial services officers recorded 163 instances of non-compliance, a rate of 21%. Of the 163 instances of non-compliance reported, 94 resulted in violation reports submitted to the court, a violation rate of 12%. The national average was 10%. Nine (9) violations involved electronic monitoring (10%), eight (8) involved violations of curfew (8%), five (5) involved re-arrests (5%), five (5) failed to report as required (5%), forty six (46) involved the use of illegal drugs (51%), and twenty-one (21), (23%) were based on other factors. In FY 2008, there was no instance where a defendant failed to appear.

Pretrial Diversion

At the beginning of FY 2007, Pretrial Services and the United States Attorneys Office drafted an agreement to resume the use of the Pretrial Diversion program in the District of Massachusetts. At the end of FY 2007, pretrial services had five (5) diversion cases. In FY 2008, ten (10) pretrial diversion cases were opened, which placed this district second in the First Circuit for pretrial diversion activations.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

DISTRICT COURT

For the District of New Hampshire, 2008 proved to be an active year of transition and innovation. The year was full of change and accomplishment: continued changes in personnel, an aggressive training schedule for staff, the implementation of numerous initiatives, locally-created improvements to technical and operational processes, and the appointment of a new district judge.

The Honorable Joseph N. Laplante commenced with his official duties in January 2008 after his swearing in as a District Judge for the District of New Hampshire on December 28, 2007.

Along with Judge Laplante's incoming staff, additional retirements and strong personnel funding brought about more staffing changes in the District. Jadean Barthelmes was hired as Judge Laplante's part-time Judicial Assistant in February. Thomas Van Beaver and Vincent Negron also came on board in February in anticipation of the retirement of two staff members later in the year. Thomas Van Beaver became the Human Resources Coordinator when Patricia Kelley retired in July, and Vincent Negron took over the case management duties of Joyce Roy, who retired in January 2009. Janice Bushold retired in March and Kathy Dupont, who was hired in 2007, assumed her duties. Also in March, Tia Maria Hooper joined the district as a Procurement Specialist. In May, Kristie Trimarco transferred to the district from the First Circuit Court of Appeals and became the Executive Assistant to the Clerk, and Eric Swanson joined the automation department as a part-time, temporary IT Specialist. Magistrate Judge Muirhead's Judicial Assistant, Stephanie Smith, resigned her position in August and Shannan Hudgins was hired as her replacement. Frank Clough, who had been an IT Specialist with the court since 2006, was promoted to Assistant Director of Information Technology in October. The district had five law clerks depart and eight new law clerks arrive in 2008, which included the addition of two full-time law clerks and one part-time law clerk for Judge Laplante.

With significant personnel changes came the need for substantial training. New and current operational and administrative staff members attended the following training sessions in 2008, which were offered by external sources: CM/ECF On-Line Training; CM/ECF Dictionary Training; CM/ECF Operational Forum; CJA Payment System Training; Civil/Criminal Accounting Module "CCAM" Training; Contracting Officer's Certification Program and Appropriations Law On-Line Trainings; HRMIS II Applications and HRMIS Super User Training; and Excel Training. Additionally, in October, the District of New Hampshire hosted the Contracting Officer's Certification Program Two-Day Training Seminar, which was presented by two instructors from the Administrative Office. The Seminar was attended by thirty judicial employees from around the country, as well as by several staff from this District.

The District's IT staff attended training sessions conducted by outside sources in the following subject areas: ColdFusion; Basic A/V Certification Training; Windows Server Technologies; Adobe Acrobat Forms; VMWare Virtualization; IT Conference in Indianapolis, IN; and Probation Technology Conference in California.

It is important to note that nearly every veteran clerk's office staff member assisted with the internal training of new employees. To name a few, Debbie Eastman-Proulx, with the assistance of Judy Barrett-Weatherbee, continued to serve as the primary in-house trainer for case

management, while Janice Boucher remained the primary trainer on Intake, the CJA Panel Attorney Payment System, and overall clerk's office operations. Prior to her retirement, Patricia Kelley provided new staff training in the areas of human resources, interpreter contracts, and many other administrative functions. Valerie Allen provided training in the area of procurement and Bonnie Reed led finance-related training for both new and seasoned employees last year. Gail Adams continually provided supplemental CM/ECF training to both novice and experienced users alike, and she mentored Kristie Trimarco on her CM/ECF Dictionary duties. In all, the time and energy spent by veteran staff members in providing in-house training to new hires in 2008 has continued to play a pivotal role in fostering a smooth transition in personnel.

Many staff members celebrated an anniversary in 2008. Gail Adams received her 20-year pin, while Judy Barrett-Weatherbee received her 15-year court pin and 25-year federal government service pin. Dennis Bumford, Diane Churas, and Maryanne Michaelis each received their 15-year pin, and Dionis Espaillat received his 5-year pin.

In the area of human resources, the District focused on updating policies and improving training opportunities. In an effort to make training materials more accessible to staff and other courts, major headway was made in digitizing all of the district's training videos for placement on the network. It is anticipated that this project will be completed in early 2009. Also, a new, informal training program was implemented. Thomas Van Beaver created the "Lunch-N-Learn" program in an effort to provide brief, informal training to staff on timely topics. The first "Lunch-N-Learn," which was held on August 6, 2008, featured a presentation by the Marshal Service on Personal, Home, and Travel Security. On November 25, 2008, a "Lunch-N-Learn" on Office Work Station Ergonomics was held. Finally, the District worked hard to update existing and to implement new policies, including Election Day Court Procedures, Jury-Witness Service Policy, Occupant Emergency Plan, Employee Performance Management Plan, as well as an Employee Performance Recognition Plan, and a Training and Tuition Reimbursement Funding Request Policy and Procedure.

A number of technological improvements were made in the District of New Hampshire in 2008, starting with significant updates in the computer room. With an eye toward COOP preparedness, a new back-up server with 1.5 terabytes of storage was implemented. In the event any files are lost, this new server will allow for prompt recovery. Also, the internet web server and the Lyris mail server were consolidated.

Improving the District's courtroom technology was another focus during 2008. New document cameras that display evidence were installed in all of the courtrooms. A re-designed court reporter realtime network was implemented, which required the upgrade of both hardware and software. The District also began the process of updating its video conferencing system. The design phase started in the fall of 2008 and it is anticipated that the new video conference system will be implemented by the end of summer 2009.

CM/ECF also inspired a number of locally-created enhancements to operational processes that increased the District's efficiency in 2008. Dionis Espaillat, a System Administrator in the District, took the lead on most of these projects. In March, a web-based ECF Registration program was implemented in which users complete and submit an on-line registration form to obtain an ECF login and password. This new features has not only cut down on the amount of staff time spent on ECF Help Desk calls and registration and password issues, but it has transformed the registration process into one that is almost completely paperless.

Another innovation that grew from the functionality of CM/ECF was a new court bulletin board system. Previously, in order to schedule hearings and distribute the daily court calendar, each member of the case management team had to type and hand write hearing information into multiple different calendars and/or programs, including CM/ECF, Lotus Notes, WordPerfect, and a master paper calendar. Dionis, with the assistance of Eric Swanson, devised a new calendar report in CM/ECF that the case managers use to generate the daily calendar by saving it as a webpage and, after any last minute changes, also as a PDF document. The PDF version is distributed to individuals and entities by email, while the HTML calendar is automatically scripted to upload overnight to a PC that is connected to a network of LCD televisions in the courthouse. The display application refreshes after it completes scrolling through the entire calendar so that any updates are reflected during the next scroll. This new capability has cut the scheduling process down to just a couple steps, which has resulted in significant time savings for the case management team.

CM/ECF improvements include upgrades to version 3.1 on February 4. Then, on May 5, version 3.2 of CM/ECF went live. The new public access to transcript policy promulgated by the Judicial Conference was implemented on May 15. In November, after creating the necessary events and procedures, bar discipline cases were processed and stored electronically in CM/ECF. All new bar discipline cases from that point forward have and will continue to be docketed electronically. Discipline cases from previous years are in the docketing process. Once this process is complete, the District will no longer maintain these records in paper format.

In February, Gail Adams, with the assistance of Lars Ljungholm who is the owner of Northpoint Communications, began creating interactive web-based training modules for the users of CM/ECF. Once the modules were implemented in April, the District was able to offer new users training twenty-four hours a day, seven days a week, through its website. This new format allows the District to provide ECF users training that is not only more convenient than in-person seminars, but is more comprehensive.

Supplementing the ECF training modules, the District hosted "Brown Bag Lunches" in order to familiarize attorneys with CM/ECF. In January, the Brown Bag Lunch focused on the new attorney case filing system. In May and June, the Brown Bag Lunches featured training on how to create and use hyperlinks in pleadings filed with the court.

On May 1, 2007, the United States Sentencing Commission (the "Commission") submitted to Congress an amendment to the Federal Sentencing Guidelines that lowered the guideline sentencing range for certain categories of offenses involving crack cocaine. This amendment took effect November 1, 2007. Pursuant to 28 U.S.C. § 994(u), the Commission also determined that this guideline amendment would be applied retroactively to offenders who were sentenced under prior versions of the Guidelines Manual and who are incarcerated. The Commission set the effective date for the retroactive application of this amendment to be March 3, 2008, at which time reductions in sentence pursuant to 18 U.S.C. § 3582(c)(2), based on the retroactive application of the crack cocaine amendment, would be authorized.

In response to the March 3rd retroactive effective date, the Honorable Joseph A. DiClerico, Jr. formed a local committee to identify persons sentenced in this District who would potentially be eligible for a reduced sentence under this amendment and to develop internal administrative procedures to process these cases. Representatives from the Clerk's Office, Probation and Pretrial Services, the United States Attorneys, and the Federal Defender

participated in this effort. The group developed procedures for: 1) processing motions to reduce, 2) identifying and prioritizing potentially eligible defendants based on their target release date, 3) requesting the appointment of counsel, and 4) creating a standard scheduling order setting forth deadlines for supplemental PSRs, briefs, stipulations, transcript and hearing requests. By year's end, the court had resolved all of its pending cases, granting 47 sentence reduction requests and denying 45.

The District's CJA Panel continued to accept a large portion of court appointments in 2008. At the annual business meeting, Michael D. Ramsdell, Esq. was elected to replace Michael J. Connolly, Esq. as a member of the CJA Panel Selection Committee. Lawrence A. Vogelmann, Esq. served as the District's CJA Representative.

The Federal Defender fulfilled its training obligations to the CJA Panel by assembling two CLE training sessions in 2008. In June, the Federal Defenders conducted a three hour CLE on the following topics: How to Structure Your Sentencing Argument: A Federal Court Roadmap; Sentencing Hypotheticals; U.S.S.G. 5K1.1 & Cooperation Agreements in the Post-Booker World; and Snitch: How Informants Have Become a Key Part of the Prosecutorial Strategy in the Drug War. The Federal Defenders also presented a one hour training in November on the 2008 Sentencing Commission Guideline Amendments. Attendees received CLE credits from the New Hampshire Bar Association for these programs.

In addition to participating in the development of the Federal Practice Institute and other attorney training initiatives sponsored by the court, the Federal Court Advisory Committee ("FCAC") continued to act as a sounding board on many issues facing the court and function as a liaison between the bench and bar on issues of importance to federal practitioners. The FCAC addressed issues ranging from court facilities to court practices and procedures, and continuing education initiatives on federal civil and criminal practice issues in mediation practice.. The membership terms for Doreen F. Connor, Esq. and Garry R. Lane, Esq. expired in 2008. The Honorable Joseph N. Laplante's term lapsed due to his judicial appointment. Andrea Kneifel Johnstone, Esq. and Daniel E. Will, Esq. agreed to serve on the FCAC in 2008.

During April and June, the New Hampshire Federal District Court, in conjunction with the NHBA's Federal Practice Section, hosted separate judicial forums on Federal Civil and Criminal Practice Issues. At the forums, which were held at the Rudman Courthouse, the federal bench and bar engaged in an informal discussion of federal practice issues. The criminal session was facilitated by FCAC members Cathy Green, Esq. and Bjorn Lange, Esq. The civil session was led by FCAC members Kenneth J. Barnes, Esq., Nancy Smith, Esq., Daniel E. Will, Esq. and Peter S. Cowan, Esq. There was no attendance fee and attendees received 1 hour of CLE credit for each session. Fifty attorneys attended the criminal forum and 110 attorneys attended the civil forum.

On October 30, 2008, the Federal District Court and the State of New Hampshire Judicial Branch Office of Mediation & Arbitration jointly hosted a Mediation Seminar featuring renowned mediation authority Professor Len Riskin. In the morning session, which was open to all members of the bar, Professor Riskin joined a panel of experienced and well-respected local mediators to address numerous practical issues that practitioners inevitably confront in preparing themselves and their clients for mediation and participating in the mediation session. Panel members for the morning session included Kenneth J. Barnes, Esq. Charles P. Bauer, Esq., Melinda Gehris, Esq., Russell F. Hilliard, Esq., William A. Mulvey, Jr., Esq., Edward B. Shumaker, III, Esq. and Lawrence Vogelmann, Esq. During the afternoon session, which was

reserved for invited members of both the Federal and State Court Mediation Panel, Professor Riskin facilitated a discussion on advanced mediation topics and challenged attendees to consider alternatives to the more traditional mediation methods and processes currently employed by most mediators. Specifically, he addressed his well known "New Grid" mediation approach as well as his recently released piece on mediation entitled "The Problem in Court-Oriented Mediation." In addition to the federal judges, the justices of the New Hampshire Supreme Court as well as the chief judges of various levels of state court attended both sessions. One hundred thirty-nine attorneys attended the morning session and seventy attended the afternoon session. Those attending received 3 CLE credits for each session.

During the 2008 calendar year, civil filings increased by 14% while criminal filings decreased by 64%. The district judges presided over 13 jury trials during 2008. The largest civil verdict was \$4,071,578 in an investment scam case, which was reduced on remittitur to \$1,648,000.

In August, the district implemented a major enhancement to the FAS4T system with the addition of the Civil/Criminal Accounting Module, which is referred to as "CCAM." This improvement has been anticipated for years and the implementation was virtually seamless. Because CCAM offers a web-based query application that shows the payment history for offenders on supervision, the Office of Probation and Pretrial Services was particularly supportive of this implementation. This offender payment query function was started in November and has a target completion of first quarter of 2009.

Twelve naturalization ceremonies were held in the district in 2008. In all, 1066 new citizens were naturalized and 196 name changes were processed. Representatives from New Hampshire's congressional offices, as well as the Order of the Elks, the American Legion, and the American Legion Auxiliary were on hand to congratulate the new citizens at each ceremony. The district was also fortunate to have three retired court staff members volunteer to help with the naturalization registration process.

The District of New Hampshire held two bar admission events in 2008. The first ceremony was held on June 3, when 79 new attorneys were admitted to practice before the court. The second event was held on November 5, with 59 new members sworn in. In total, the District of New Hampshire admitted 138 new bar members in 2008.

Finally, the staff of this district continued their charitable tradition of giving back to the greater Concord community. On May 21, 2008, 17 staffers participated in the Ocean National Bank Rock 'N Race, which helped to raise money for Concord Hospital's Payson Cancer Center. In December, 48 court staff (including members of Circuit Judge Jeffrey R. Howard's chambers) participated in "Operation Santa Clause," by either donating money, shopping for gifts, wrapping presents, and/or delivering packages to needy families in the area. In all, 5 families (19 children) were sponsored by the district and provided gifts in 2008.

BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE

In 2008, the court continued to experience the benefits of CM/ECF. The court utilizes CM/ECF for case management, and employs FAS4T as the accounting system. The court also

utilizes the conference call system Court Call and the automated court recording system FTR Gold. The BNC continues to carry out the great bulk of bankruptcy noticing.

During 2008, the court experienced an increase in case-filings of 32.3% (3,875 total cases filings). This number indicates that bankruptcy filings are once again at levels experienced before adoption of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) effective October 17, 2005. Filings are projected to approach 5,000 cases for the 2009 calendar year. This amount will constitute the largest number of cases filed in any year in the District of New Hampshire other than 2005 (which was artificially inflated by the rush of filings intended to avoid the new restrictions of BAPCPA). The court is, nevertheless, well-prepared to handle the workload and there were no additions to staff in 2008.

PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF NEW HAMPSHIRE

Personnel Changes and Highlights

The following personnel changes occurred during FY '08:

- U.S. Probation Officer Bryce Turgeon transferred to the District of Maine on December 7, 2007.
- Clayton Foster, Deputy Chief U.S. Probation Officer, retired on December 31, 2007.
- Cathy Battistelli was promoted from Supervising U.S. Probation Officer to Deputy Chief U.S. Probation Officer on January 4, 2008.
- Kevin Lavigne was promoted from U.S. Probation Officer to Supervising U.S. Probation Officer for the Court Investigations Unit on January 21, 2008.
- Christopher Pingree was promoted from U.S. Probation Officer to Sentencing Guidelines Specialist on February 4, 2008.
- Janice Benard was promoted from a Probation Officer Assistant to U.S. Probation Officer on February 4, 2008.
- Karin Hess Venturini was promoted from a Probation Officer Assistant to U.S. Probation Officer on February 4, 2008.
- U.S. Probation Officer Sean Buckley transferred from the District of Massachusetts to the District of New Hampshire on March 3, 2008.
- Molly Corbin was hired as a U.S. Probation Officer on March 31, 2008.
- Matt DiCarlo was promoted from a part-time Community Resource Specialist to a Probation Officer Assistant on May 12, 2008.
- Kathleen Nasta was hired as a part-time Community Resource Specialist on May 26, 2008.
- Eric Swanson was hired as a part-time Automation Support Specialist on May 27, 2008.

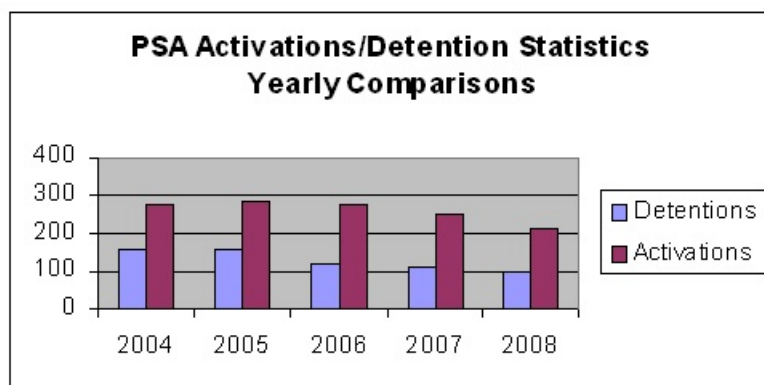
Court Investigations Unit

During FY '08, the Presentence Unit merged with the Pretrial Unit to form the Court Investigations Unit. A restructuring of the office's organizational chart resulted in the creation of a "two-unit model" that combined pretrial and presentence functions into a single unit. As a result of blending officers with varied skill sets, significant training was required so that officers could acquire equal competency in both pretrial and presentence investigations. While most of FY '08 was focused on core-specific training and adopting new work practices, members of the Court Investigations Unit gained hands-on experience in managing these integral work processes.

As part of the change to a bifurcated work model, the unit adopted multiple best practices to support that transition. The most prominent best practice was the creation of a bail rotation schedule to manage arrests and summonsed appearances. Specifically, the schedule identifies primary and back-up officers that are assigned to cover initial appearances and detention hearings. The schedule is arranged on a weekly rotating basis to provide officers with a structured format to complete their competing work duties in a timely manner. In addition to becoming proficient in pretrial and presentence investigations, the probation officers have absorbed PACTS data entry and document scanning/uploading into their required duties.

Pretrial Investigation Caseload

FY '08 ended with a total of 216 case activations, a 15% decrease from FY '07. The U.S. Attorney's Office has advised this office that they intend to continue to aggressively prosecute criminal cases, and they again have the goal of increasing criminal filings. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years.



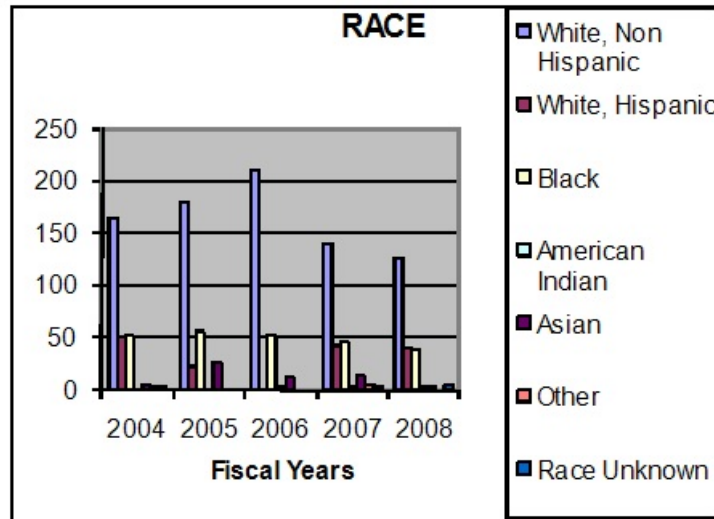
Profile of Pretrial Defendants

As indicated below, the most common pretrial defendant in the District of New Hampshire is a white, non-hispanic single male, between the ages of 26 to 30, who has a high school degree, and is charged with a drug offense.

Race

Upon review of the 216 case activations in the District of New Hampshire, 127 (58.79%) were White Non-Hispanic, 41 (18.98%) were White Hispanic, 39 (18.08%) were Black, 2 (.92%) were American Indian, 3 (1.38%) were Asian, and 4 (1.85%) individuals' race was unknown. One-hundred-seventy-eight 178 (82.40%) were US citizens, 12 (5.55%) were legal aliens, 21

(9.72%) were illegal aliens, and 5 (2.31%) individuals' status was unknown.



Sex and Age Range

No juveniles were prosecuted in this District during 2008. Twenty-six (12.03%) of the pretrial defendants were males between the ages of 18-25 while 6 (2.77%) in that age group were females; 33 (15.27%) were males between ages 26-30 while 10 (4.62%) were females; 30 (13.88%) were males between the ages of 31-35 while 4 (1.85%) were females; 24 were males between the ages of 36-40 while 7 (3.24%) were females; 18 defendants were males between the ages of 41-45 while 4 (1.85%) were females; and 19 (8.79%) were males between the ages 46-50 while 6 (2.77%) were females. Finally, 23 (10.64%) were males over age 50, while 5 (2.31%) were females in that age group. There was one male defendant whose age was unknown.

Marital Status

There were 38 (17.59%) defendants who were married; 88 (40.74%) were single, 22 (10.18%) were cohabitating, 31 (14.35%) were divorced, 14 (6.48%) were separated, 2 (.92%) were widowed, and 21 (9.72%) marital status was unknown.

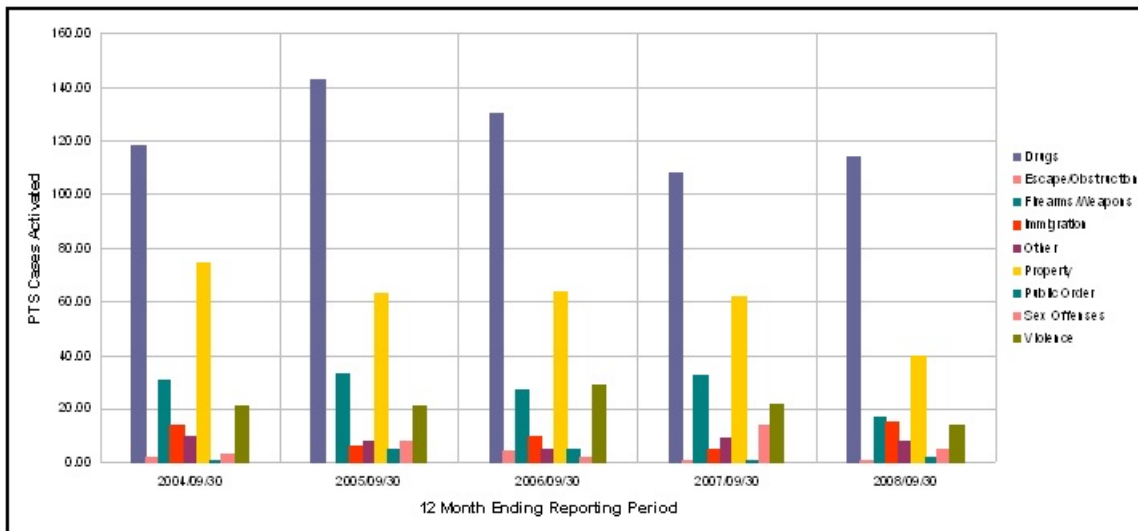
Education and Employment

Regarding education, 61 (28.24%) had no high school diploma or GED, 72 (33.33%) had graduated from high school, 38 (17.59%) had a G.E.D., 1 (.46%) had an associate degree, 20 (9.25%) had a bachelor's degree, 1 (.46%) had a master's degree, and 23 (10.64%) individuals educational status was unknown.

There were 67 (31%) defendants employed at the time of arrest, 66 (30.60%) unemployed, and 83 (38.4%) individuals whose employment status was unknown.

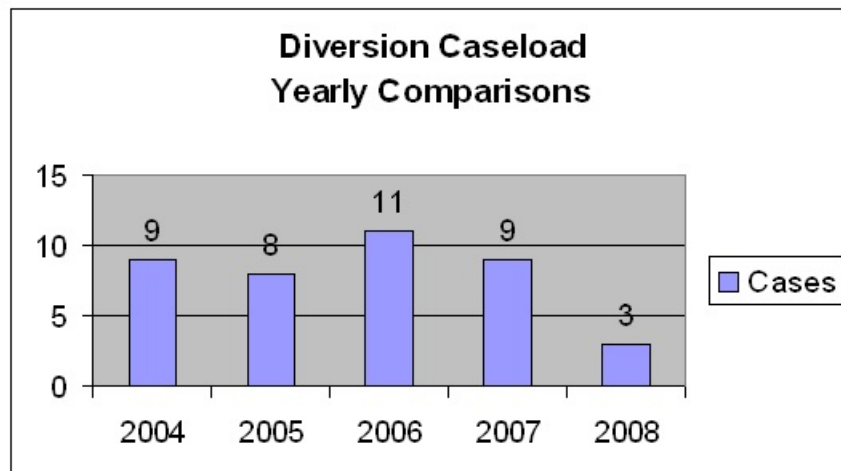
Charged Offenses

The vast majority of pretrial defendants were charged with drug offenses (114 defendants or 52.77%). Forty individuals (18.51%) were charged with a property offense; 17 (7.87%) were charged with firearms/weapons offenses; 15 (6.94%) were charged with immigration offenses; 14 (6.48%) were charged with violent offenses; 5 (2.31%) were charged with sex offenses; 2 (.92%) were charged with public order offenses; and 1 (.46%) was charged with escape/obstruction offense. There were 8 (3.70%) additional defendants charged with other types of crimes.



Pretrial Diversion

Pretrial Diversion cases are initiated by the United States Attorney via a request for investigation submitted in letter form to the U.S. Probation Office. The Pretrial Services Officer/student intern begins the diversion investigation which results in a written report and recommendation to the United States Attorney. If approved by all parties, an agreement is signed and supervision is provided by the United States Probation Office (Pretrial Services Unit). In general, cases range from theft of government property to social security fraud. In fiscal year 2008, the diversion program saw a significant decrease in activated cases from the previous year (from nine to three).



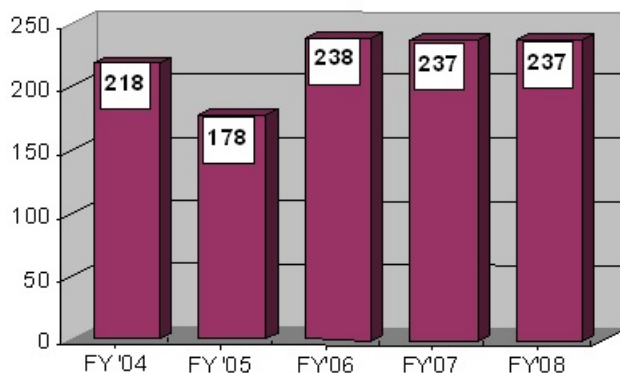
Detention Rate

The District's detention rate for the year ending September 30, 2008 was 49.8% which is an increase from the 2007 rate of 47.8%. The District's 2008 rate is still one of the lowest of all courts in the First Circuit, and continues to be significantly lower than the national rate of 62.5% for the same time period. This office continues to keep the court informed of alternatives to detention, such as electronic monitoring and home detention, and submits such recommendations when appropriate.

Presentence Investigations and Sentencing Issues

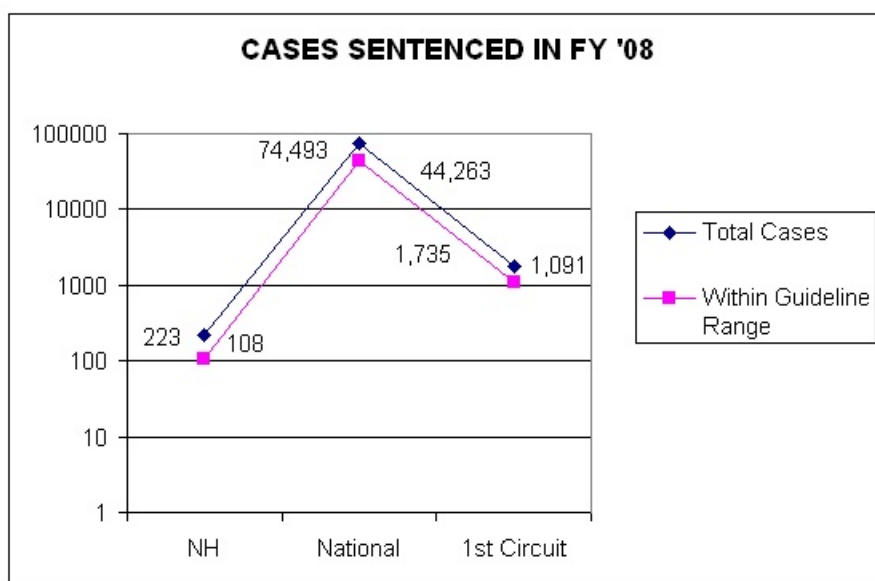
A total of 237 presentence investigation reports were completed during FY '08; the same number of reports completed in FY '07. As shown in the following chart, the number of investigations has been remarkably consistent during the past three years.¹

**Presentence Investigations Completed
FY '04 to FY '08**

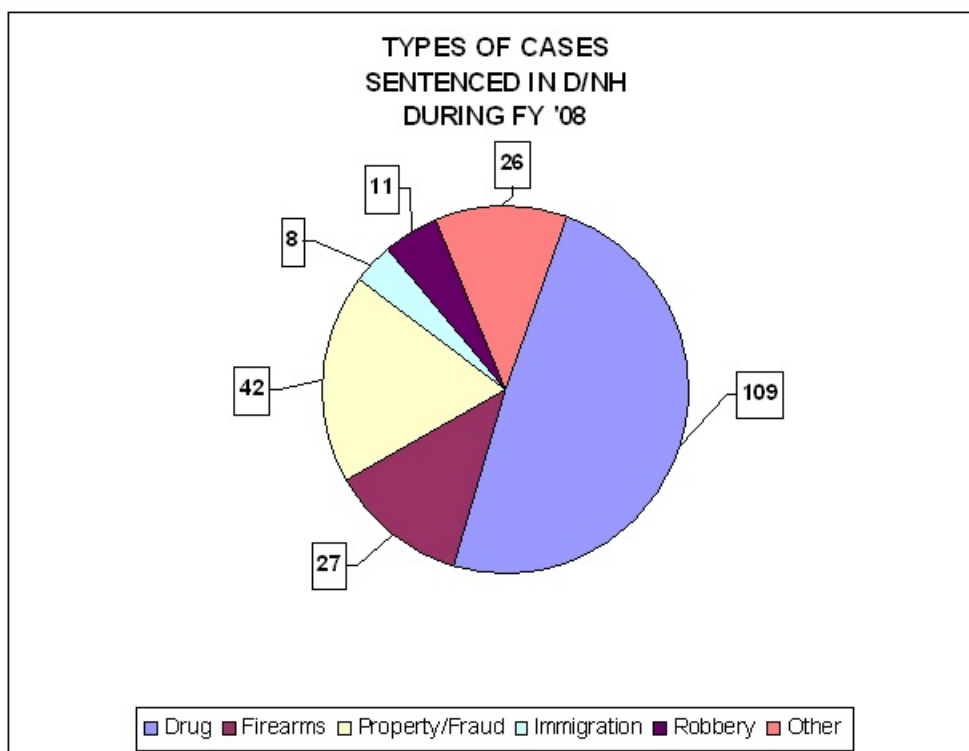


The Court sentenced 223 defendants during FY '08 as opposed to the 239 defendants sentenced in FY '07. A review of the sentences imposed reflects that 197 defendants were sentenced to prison; 27 of those individuals were sentenced to up to 12 months imprisonment, 50 defendants were ordered to serve between 13 and 24 months imprisonment, 22 defendants were ordered to serve between 25 and 36 months imprisonment, 30 defendants were ordered to serve between 37 and 60 months, and 60 defendants were ordered to serve more than 60 months imprisonment. Only 26 defendants received a probationary sentence; of that number, 18 individuals received a probation-only sentence while 8 defendants received a sentence of probation with some time of confinement.

¹The source for this chart and all subsequent charts in this section of the report was obtained from the 2008 Sourcebook of Federal Sentencing Statistics.



The majority of cases sentenced in this District remain drug cases at (49%). Unlike the previous year, property/fraud offenses were the second highest category at (19%). Firearm offenses accounted for 12% of the cases, immigration cases were 4%, and robbery cases accounted for 5% of all sentenced cases.



Guilty pleas accounted for 93.7% of the cases sentenced during FY '08, compared to the national average of 96.3% and the First Circuit average of 94%. In the District of New Hampshire, 6.3% of the defendants proceeded to trial as compared to the national average of 3.7% and the First Circuit average of 6%. Male defendants accounted for 87% of the total number of defendants sentenced in this District.

	Plea	Trial	Total Cases
NH	209 (93.7%)	14 (6.3%)	223
National Average	73,617 (96.3%)	2,810 (3.7%)	76,427
1st Circuit	1,643 (94%)	105 (6%)	1,748

Despite the Supreme Court rulings in the *Booker/Fanfan* cases, 48.4% of all cases in the District of New Hampshire were sentenced within the advisory guideline range. This figure has remained relatively unchanged over the last few years. On the national level, 59.4% of all cases were sentenced within the range while 62.9% of all First Circuit cases were sentenced within the range. In the District of New Hampshire, there were two cases (0.9%) sentenced by way of an upward departure and one case (0.4%) sentenced above the range based on *Booker*/3553 factors.

Crack Cocaine Retroactivity

On November 1, 2007, the Federal Sentencing Guidelines manual went into effect which contained a two-level reduction in the offense levels corresponding to the threshold amounts for crack cocaine. On December 11, 2007, after considering more than 33,000 letters of public comment and testimony received during public hearings, the U.S. Sentencing Commission voted unanimously to retroactively apply the crack cocaine amendment and adopted other modifications to the policy statement regarding retroactivity. The Sentencing Commission determined an effective date of March 3, 2008 for the retroactive application in an attempt to give districts an opportunity to identify current and past cases who would be eligible to receive a reduction in their guideline imprisonment range. The amendment to USSG §1B1.10 provided guidance to the courts in determining whether, and to what extent, a reduction in the term of imprisonment should be warranted.

The District of New Hampshire took several proactive steps in November and December 2007 in an attempt to identify defendants who might be eligible to receive the reductions. PACTS reports were run providing the office with a list of all current and prior cases sentenced for crack cocaine. In addition, letters were sent to the case managers at the Bureau of Prisons (BOP) requesting progress reports on every identified individual in an attempt to determine the defendant's institutional adjustment, treatment/ educational programming, disciplinary actions, and pre-release information. Furthermore, a request was made to the Sentencing Commission for a list of names sentenced in the District of New Hampshire for crack cocaine who were still imprisoned. These lists were then compared to a list subsequently provided to our office by the Administrative Office of the Courts in early 2008. The Deputy Chief Probation Officer worked

closely with the Chief Deputy for the U.S. District Court Clerk's Office and U.S. District Court Judge Joseph A. DiClerico, Jr. to develop administrative procedures to address the known cases identified by the Probation Office as well as defendants who filed *pro se* motions for relief. Draft proposals were then sent to the Federal Public Defender's Office and the U.S. Attorney's Office for comment.

In addition, the Deputy Chief Probation Officer and a member of the U.S. Attorneys Office attended a "Crack Cocaine Summit" in St. Louis, Missouri sponsored by the Sentencing Commission. Representatives from U.S. Probation Offices, prosecutors, defense attorneys, judges, and District Court Clerk's Offices discussed legal and procedural issues involved in the application of this amendment in an attempt to identify potential problems that may arise in the implementation of this application.

As part of the procedure in the District of New Hampshire, the Deputy Chief Probation Officer obtained access to the Bureau of Prisons (BOP) SENTRY records. SENTRY is the BOP's electronic case record keeping system which contains information about the defendant's institutional adjustment, programs completed, disciplinary records, as well as, dates in custody and release dates. The Probation Office developed a "Crack Cocaine Retroactive Supplemental Report" which contained information about the original charges, plea agreement, sentencing issues (including departure motions and/or motions for a variant sentence), and findings by the Court at sentencing which included the reasons for the sentence imposed. In addition, the report contained the new calculations based on the retroactive application, post sentencing conduct by the defendant, public safety issues, a pre-release plan (if one existed), and the projected release date (this date was determined by the probation officer using SENTRY and calculating the potential new imprisonment number if a reduction was granted). The report was then electronically disclosed to the parties and submitted to the Court. In the vast majority of the cases, the issue was determined without a hearing. In all, 91 Crack Cocaine Retroactive Supplemental Reports were completed; 47 cases (51.6%) were granted the reduction, while 44 cases (48.4%) were denied the reduction.

SUPERVISION UNIT

Pretrial Supervision

As shown in the following chart, the majority of pretrial cases received for supervision included conditions for drug testing and treatment; a small number of cases involved mental health treatment.

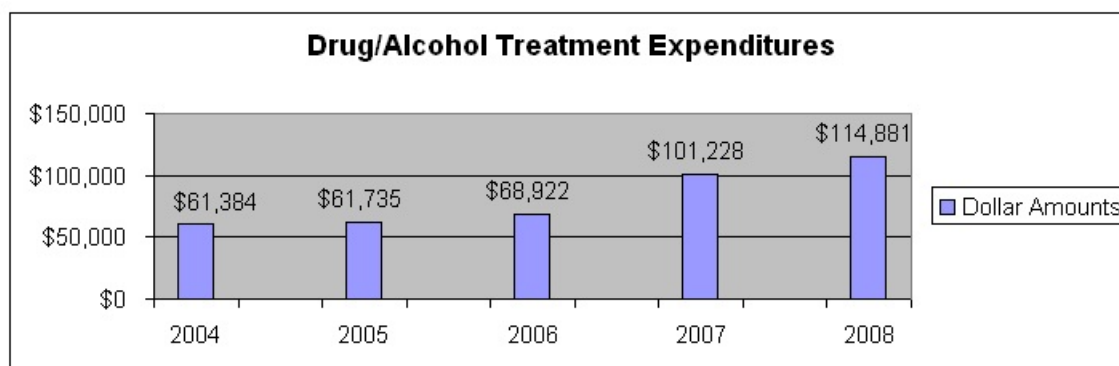
Pretrial Services Defendants With Conditions Of Release (Table H-8)
For 12-Month Period Ending: 2008/09/30

Circuit	District Name	Defendants Released	Defendants Received For Pretrial Services Supervision	Third Party Custody	Testing Only	Treatment And Testing	Home Confinement	Mental Health	Other
1	Maine	121	106	11	21	58	13	33	104
	Massachusetts	293	292	26	62	72	56	26	277
	New Hampshire	105	78	6	10	49	3	18	77
	Puerto Rico	433	433	34	50	86	89	105	401
	Rhode Island	64	54	0	9	18	6	3	54
1	Total	1,016	963	77	152	283	167	185	913
	Total	1,016	963	77	152	283	167	185	913

Drug/Alcohol Treatment Services and Expenditures

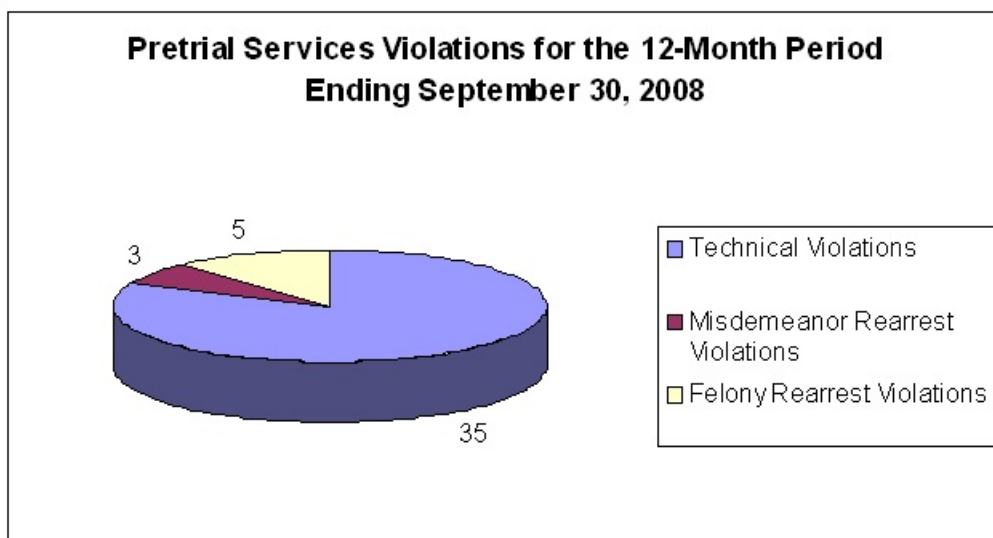
The vast majority of cases opened this past year continued to fall under the category of controlled substance offenses. Therefore, drug, alcohol and mental health treatment costs continued to rise for those under pretrial supervision.

Costs for drug and alcohol treatment for pretrial defendants in FY '08 was \$132,115.46; the District was able to receive defendant co-payments totaling \$17,235.80, resulting in a total cost of services to the District of \$114,880.66. The office also had total costs of \$3,895.00 in mental health treatment, which is a decrease from FY '07. The expenditures for the last five fiscal years appear below.



Pretrial Violations

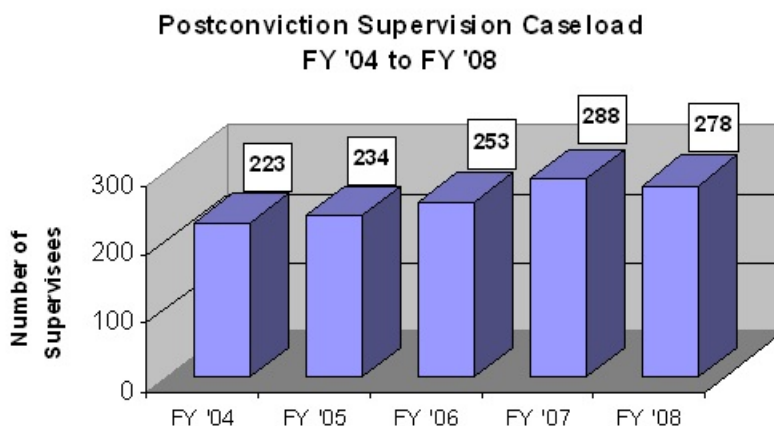
As shown in the following chart, there were forty-three pretrial violations filed during this past fiscal year. The vast majority of the violations were technical in nature.



Post-Conviction Supervision Services

Caseload

During FY 2008, the post-conviction caseload dropped from an all-time high of 288 from the previous year to 278, which represents a decrease of approximately 3.5 %. This slight decrease is attributable, in part, to 24 early terminations of supervised release which were granted by the Court during FY '08. Absent those early terminations, there would have been an approximate increase of 4.5%. Supervision officers continue to aggressively manage caseloads by identifying low risk cases that might meet criteria for early termination and other cases that would be appropriate for a “step-down” to low risk status. Additionally, and in accordance with the issue-driven supervision model set forth in *Monograph 109*, the case planning process implements supervision strategies that are appropriately matched with the offender’s risks, needs and strengths so that effective supervision is provided. The majority of officer time and resources are applied to the higher risk cases



With the projected 2009 opening of the Hampshire House, Manchester, NH, the district's first Residential Reentry Center (RRC) or, "federal halfway house," there is likely to be a significant increase in post-conviction supervision activity during FY '09 (i.e., prerelease investigations, reentry planning, home detention with electronic monitoring, utilization of the RRC as a sanction center, relocations to D/NH). Based on the Hampshire House's maximum occupancy of 20 male and 10 female inmates/offenders, the district could potentially see an increase in caseload of just over 10%.

In terms of the types of post conviction supervision cases, the percentage of offenders on supervised release was 82%, probation 17%, and other types of supervision (i.e., parole, special parole, mandatory release, military parole, and Bureau of Prisons cases) 1%. The percentage of probation cases remained stable, but supervised release cases increased which continues the trend reported during the past two years. Drug offenses represented 53% of the total caseload, which was up moderately from 47%, followed by property offenses² at 22%, down from 26% during FY 2007. Firearm offenses were next at 15%, which is up slightly from 14% the previous year. Sex offenses remained level at 3%; however, pre-release investigations and release projections provided by the Bureau of Prisons indicate that a moderate increase in sex offender specific cases is expected during FY 2009.

With the sustained level of sex offender type cases, and projected increase during the coming year, one supervision officer was dedicated for specialized training in this area. Internet Probation and Parole Control (IPPC), which provides state-of-the art technologies that capture and retain critical information relating to offenders' computer and Internet behaviors, was developed to assist probation and pretrial agencies with effectively monitoring and controlling the computer and internet use of sex offenders. IPPC also has the capability of producing reports that reflect offenders' criminogenic and cognitive tendencies. In September 2008, USPO Karin Hess attended a four-day training in Radnor, PA, where she received intensive instruction on IPPC.

²Property Offenses include: Burglary, Larceny, Embezzlement, Fraud, Auto Theft, Forgery and Counterfeiting.

Since attending IPPC's training, USPO Hess has installed either IPPC's Internet Access mode or the No Internet Access mode on the many offenders' computers.

Supervision Outcomes

Reliable data are now available for determining post-conviction supervision outcomes. A "successful completion" outcome is defined as those cases whose original term of supervision expired on their full term date, were terminated via an early termination or completed their term after an extension. Correspondingly, an "unsuccessful" completion was a case whose term of supervision was closed due to revocation.³ The information detailed below is for the District of New Hampshire, the First Circuit, and the nation as a whole. On the national level, violations are classified as either Technical, Minor or Major in nature.⁴ In the District of New Hampshire, 132 cases were closed during FY 2008. In the First Circuit, 1,349 cases were removed from supervision. Nationally, 49,125 offenders were removed from supervision during the same time frame. Of the total number of cases that were closed, the number of cases closed due to revocation were 39 (NH), 373 (First Circuit) and 13,459 (National). The District of New Hampshire experienced a successful termination rate of 70.5%. Correspondingly, the success rates for the First Circuit and National system were 72.3% and 72.6%, respectively. Violations are categorized pursuant to the rules found in the U.S. Sentencing Guideline Manual at USSG § 7B1.1.

A revocation was seldom the result of only one alleged violation of a particular category; in order for an accurate chart comparison, the District of New Hampshire treats positive urine samples as a Grade B.

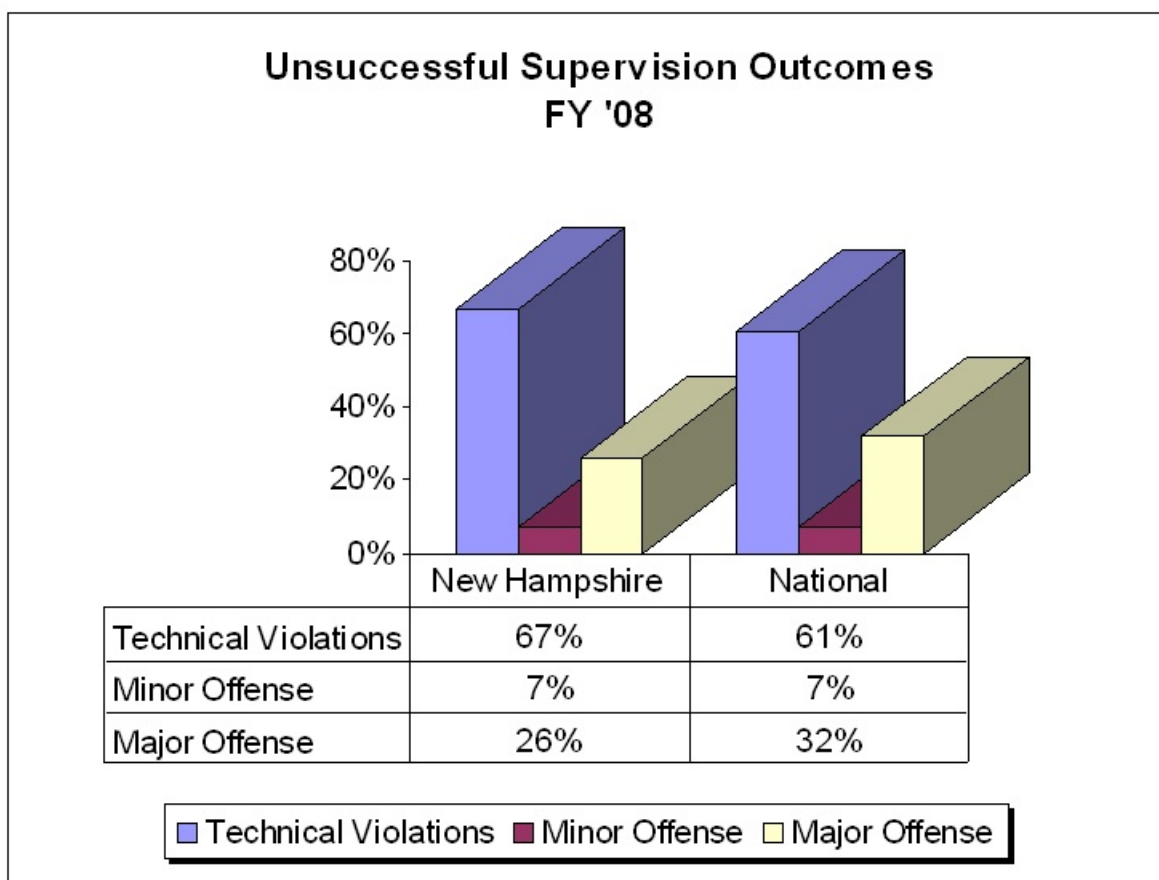
There was an increase in the number of revocations in the district during FY 2008 (39 as opposed to 29 during FY 2007), resulting in a revocation rate of 29.5%.⁵ This rate represents a slight increase compared to a 28% revocation rate during FY 2007. However, despite the 1.5% increase in cases closed through revocation during FY '08, there was an overall increase of 8.4 % in total violation petitions filed. Of the 168 violation reports submitted to the Court, there were 70 No Action Petitions (PF 12A) recommending continued supervision and specific interventions that include both controlling strategies to hold the offender accountable for their actions and correctional strategies that provide assistance and offer the offender every opportunity for success; 34 Voluntary Modifications (PF12B) advising that the offender has waived his or her right to a hearing and representation by counsel and agrees to specific modifications of the conditions of supervision (typically community-based interventions) that are designed to address moderate

³Cases that were closed due to transfer out of district, death, or "other" reason were not used in the calculation.

⁴"Minor offenses" represent convictions for offenses for which the sentence is 90 days or less imprisonment, one year or less probation, or a fine. "Major offenses" are violations that include involvement in or conviction of serious offenses (including absconding from custody), arrest on another charge, or convicted and sentenced to more than 90 days imprisonment or more than one year probation.

⁵The figures are based on the most serious grade of alleged violation.

severity violations and acute offender needs; and, 64 Requests for Summons or Warrant (PF 12C) which address high severity violations and those that require revocation by statute, involve substantial risk to the public, or represent repeated noncompliance after less intrusive community-based interventions have failed. Therefore, the majority of increased violation activity was addressed through intermediate community-based interventions as opposed to violation proceedings. Of those 39 revocations, 26 were technical in nature (67 %), while 10 were



considered “major violations” (26%), and 3 minor violations (7 %). Finally, in FY 2008, twenty-four offenders received an early termination of supervision, or approximately 18% of the total cases closed for the year, pursuant to 18 U.S.C. §§ 3564(c) and 3583(e)(1).

Treatment Services Expenditures

Treatment services remained as the District’s second highest expense. As in FY 2007, these expenses continued to rise. Although supervision unit officers collected co-pays from offenders, this cost factor rose significantly in FY 2008. However, the District did not need to request supplemental funds to cover necessary treatment costs.

The following table reflects the breakdown by category of the various treatment services carried out by the office:

TREATMENT SERVICES				
	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Drug Aftercare	\$121,286.00	\$142,054.00	\$187,281.00	\$204,522.00
Pretrial Services	\$71,771.00	\$79,066.00	\$122,336.00	\$122,507.00
Electronic Monitoring	\$5,921.00	\$5,338.00	\$5,153.00	\$5,564.00
Mental Health	\$18,845.00	\$19,396.00	\$31,183.00	\$16,333.00
TOTALS	\$217,823.00	\$245,854.00	\$345,953.00	\$348,926.00

Fines and Restitution

During the past fiscal year, there were 97 restitution cases. The restitution payments collected were \$139,080, with a collection rate of 89% for the ordered restitution of \$156,291. Fine payments totaled \$7,734. The collection rate was 82% for the \$9,477 ordered. Collection of the special assessment proved challenging with deportations, revocations, and out-of-district supervision. The Court imposed \$19,780 in special assessments and \$6,840 was collected, or 35%. Overall, the Court imposed \$185,548 in financial obligations and \$153,654 was collected, or 83%. The largest portion of these collections, continued to come from the collection of outstanding restitution. The Supervision Unit's ongoing goal that a minimum of 90% of those on supervision with an outstanding financial debt will make a monthly payment towards their court ordered debt greatly contributes to the success the District has in this area.

Offender Workforce Development Program

During FY 2008, the District's Defendant and Offender Workforce Development (DOWD) Program continued to receive funding as a recipient of a federal grant from the Office of Probation and Pretrial Services for Research to Results (R2R). As a result, the national focus on the relationship between supervision success and employment became a staple of the district's desire to provide quality services to its pretrial and post-conviction offenders. The program continued with four basic objectives: to improve job readiness and preparedness among defendants/offenders, to lower the unemployment rate of defendants/ offenders under supervision, to cultivate and solidify partnerships with employers and community partners, and to reduce recidivism. Upon review of all pretrial and post-conviction cases under supervision, the office identified unemployed supervisees and eliminated those who were unable to work due to physical or mental infirmities. This review used baseline statistics to support its findings.

Fiscal Year 2008 was a year of transition for the program as the first Community Resource Specialist (CRS) accepted a full-time position in the office as a Probation Officer Assistant and a new full-time CRS was subsequently hired. A DOWD team was formulated and members included three U.S. Probation Officers as well as the CRS. The team met once per month to review and refine processes and roles, to assess year to date vocational statistics, and to review project results and action steps. Fourteen new community partners were developed during FY '08. Educational partnerships were also established with four local colleges, which have agreed to develop educational opportunities, provide financial aid and admission cost waivers for federal offenders. A program referral process is expected to be completed by December 2008 with a 50%

cost reduction per student and course offerings to begin in January 2009. The New Hampshire DOWD program was featured in an article in “New Hampshire Business” magazine in the April 2008 issue.

Seventy-seven offenders were referred to the CRS for employment assistance. The CRS helped the offenders develop a career plan utilizing an assessment skills tool, prior work experience, and individual interests. In addition, offenders received work readiness skills training, resume development, career planning, job development, job search techniques, interviewing skills and job retention skills. As a result of those direct efforts, the district’s unemployment rate decreased by over 1% in a six-month time period. Out of 357 supervisees, only 29 individuals were unemployed and able to work.

Statistics for FY ‘08

Month/Year	District-wide Unemployment	State Unemployment	National Unemployment
June 2008	8.1%	4.0%	5.5%
November 2008	7.2%	4.1%	6.5%

EMPLOYEE RECOGNITION

During FY ‘08, and consistent with the recommendations of the year’s peer-based Employee Recognition Committee, Chief Thomas K. Tarr cited the following staff members for their outstanding work:

Chief’s Award for Quality Improvement Award Tammy Greenwood
District Award for Exceeding Expectations Award Jodi Gauvin
District Award for Exceeding Expectations Award Kristin Cook

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

DISTRICT COURT

The Clerk's Office for the District of Puerto Rico operates with a staff of 72 employees and 8 court reporters, as of December 31, 2008. Its main office is located at the Federico Degetau Federal Building at 150 Chardón Street in San Juan, near the banking district, with a satellite office located at the José V. Toledo United States Courthouse in Old San Juan. The Luis A. Ferré United States Courthouse, inaugurated in 2005, is located in the southern Municipality of Ponce. Seven active Article III judges, four senior judges, and four magistrate judges manage the court's caseload.

Unveiling Ceremony

On July 10, 2008, Chief Judge José A. Fusté unveiled the portraits of Clemente Ruiz Nazario and Hiram R. Cancio, the first two Puerto Rican judges who sat in the United States District Court for the District of Puerto Rico. The Unveiling Ceremony took place at the Clemente Ruiz Nazario United States Courthouse in San Juan in the presence of members of the Ruiz and Cancio families, attorneys who practiced both with and before Judges Ruiz Nazario and Cancio, and the directors and fellows of the Federal Bar Association, Puerto Rico Chapter. The portraits were commissioned to Massachusetts-based artist David Wells Roth.

Legal Education Programs

Under the direction of the Honorable Carmen C. Cerezo, who presides over the district's Committee of Educational Programs, the court sponsored several Continuing Legal Education Seminars. The guest lecturers featured at the Federal Jurisdiction, Evidence and Ethics Seminar were: Northwestern University School of Law Professor James Pfander, University of California Hastings College of the Law Professor David Faigman, and American University School of Law Adjunct Professor Jack Marshall. The court also sponsored lectures in a variety of other topics, including: the Age Discrimination in Employment Act of 1967 and Title VII of the 1964 Civil Rights Act; Law and Literature; and the Confrontation Clause and Hearsay Rules. These lectures featured Tulane University School of Law Professor Joel Wm. Friedman, University of Virginia School of Law Professor Zahr Stauffer, and University of Michigan Law School Professor Richard D. Friedman, as guest lecturers.

The Criminal Justice Act (CJA) Committee chaired by United States District Judge Aída M. Delgado-Colón sponsored a criminal procedure review court for newly appointed CJA panel members. Senior United States Magistrate Judge Justo Arenas oversaw all aspects of the seminar and served as main speaker. The seminar included lectures concerning all procedural aspects of federal criminal prosecutions, including an ethics lecture, an overview of the Office of the Federal Public Defender, and an orientation as to the Bureau of Prisons. The course also featured a presentation of the CJA Plan, instruction on how to prepare vouchers, and an overview of the Clerk's Office operations.

Personnel

On February 2008, Raúl A. Bandas, Esq., was appointed as Chief Deputy Clerk. Mr. Bandas served as Judge Advocate with the U.S. Army Reserve Command in Arlington, Virginia, and with the U.S. Army Judge Advocate General Corps in Fort Gordon, Augusta, Georgia. Between 1995 and 2000, Mr. Bandas served as Executive Aide to the Secretary of the Puerto Rico Department of Justice, where he also served as Assistant District Attorney.

District Bar Examination

The Court offered two district bar examinations, in April and October 2008, to a total of 417 examinees, of which 161 passed. The passing rates for April and October were 39% and 41%, respectively. A total of 164 attorneys were admitted to practice in the district during calendar year 2008 (this figure includes attorneys who passed the test in previous years, as well as other admissions).

Naturalization Ceremonies

During calendar year 2008, the Court held 32 Naturalization Ceremonies in which 2,378 persons were sworn as new United States citizens. Chief Judge José A. Fusté presided over a special Independence Day Naturalization Ceremony, held on July 2, 2008, at *Castillo San Cristóbal*, a fortification designated as a World Heritage and National Historic Site located in Old San Juan. U.S. Citizenship and Immigration Services District Director Linda Swacina was the keynote speaker before an audience of 244 new U.S. citizens from 26 different countries. On September 18, 2008, the Honorable Francisco A. Besosa, U.S. District Judge, presided over a special Citizenship Day Naturalization Ceremony at *Castillo San Cristóbal*. University of Puerto Rico School of Law Professor Carlos Díaz-Olivo served as keynote speaker before an audience of 155 new U.S. citizens originating from 21 different countries.

Information Technology

The Systems Department developed and implemented a new Property Management System, called ARMS. The system integrates the use of wireless handheld scanners and bar code labels to register all the Court's property assets. The use of SIM cards on handheld wireless devices grants real time remote access to the ARMS database. It is also lists the items by category and simplifies the reconciliation process. It can also produce a great variety of reports, including the Master List, Audit Findings, Excess Equipment Report, and Charge Out Receipt.

The Systems Department also installed a dedicated server to run the VMWare ESX software. This software allows for the creation of multiple virtual servers inside a physical server, thereby considerably reducing the cost of purchasing new equipment, energy, and space. The VMWare software also allows multiple applications to run independently on a single server, ensuring the continuity of operations.

As of March 2008, the Court implemented the CM/ECF Civil Case Opening and Credit Card Module. This module allows attorneys to open civil cases online at any time and pay statutory filing fees using any major credit or debit card. The Clerk's Office offered weekly training sessions to all members of the bar and legal staff on CM/ECF. As a service to the bar,

Clerk's Office staff offered CM/ECF presentations to bar members residing outside the San Juan Metro Area. CM/ECF presentations were also made on site at different law schools in an effort to familiarize future members of the bar with the Court's CM/ECF System and the services of the Office of the Clerk.

Effective May 2008, the Court implemented the Judicial Conference Policy concerning remote electronic availability of transcripts of court proceedings. Transcripts are now available for inspection only at the Clerk's Office public terminal and remotely available to attorneys of record who have purchased a copy from the court reporter for a period of 90 days after filing. After the 90-day period has ended, the transcript will be available to copy in the Clerk's Office and for download through PACER. Upon filing of an official court transcript, each party wishing to redact said transcript must inform the Court by filing a Notice of Intent to Redact. If a redaction is requested, counsel must submit a Redaction Request to the court reporter within 21 days from the filing of the transcript.

Space and Facilities

Several chambers and courtrooms were refurbished, including restoration of all millwork, wood paneling, spectator benches, new electrical and data wiring, new carpets, and paint. The refurbishing of jury and witness rooms project was also begun. Large furniture acquisitions were completed for three district judges and two magistrates judges.

Court Technology

During this period, the contract to upgrade the court's evidence presentation system was awarded and upgrades were completed on two courtrooms. All other courtrooms will be upgraded during calendar year 2009. Under this contract, all video signals will be upgraded to High Definition quality and all audio transmissions will be upgraded to digital audio. All wiring will be replaced to comply with the latest wiring practices with additional conduits installed to separate the system's wiring from the electrical wiring to further reduce interference or quality degradation.

Additional infrared signals are being installed (or relocated) in the courtrooms to enhance the reception of interpreters' signal to defendants' wireless headsets. A wired solution to the interpreting system is also being added to the wireless system for more options (sidebar with music or white noise or none). Other features installed in the courtrooms include: backup battery power (for protection of memory and equipment); integrated wireless microphones for jury selection; new microphones at all locations; new speakers (including ceiling speakers); capability for audio streaming of proceedings to chambers or Clerk's Office; new flat panels; new large touch panel menus with dual function as evidence display; enhanced telephone conferencing; DVD players; color laser printers for full printing of evidence displayed; interactive whiteboards with integrated projector; and, room view software to provide web-based technical support. One courtroom will be equipped with fixed video conferencing capabilities, and all others will have a portable option.

Outreach

In June 2008, a group of judges from Honduras visited the U.S. District Court hosted by the Hon. Juan M. Pérez-Giménez, U.S. District Judge, and the Hon. Marcos E. López, U.S.

Magistrate Judge. The group visited the Clerk's Office where they had the opportunity to see its inner workings first-hand. They also visited the U.S. Probation Office, and attended presentations on intellectual property rights in the United States and Puerto Rico, among others. The group also observed court proceedings and visited the Metropolitan Detention Center.

Judicial officials from Argentina visited the U.S. District Court on October 2008 as part of the "Justice Undergoing Change" Voluntary Visitor Program. Chief Judge José A. Fusté, Judge Juan M. Pérez-Giménez, and Clerk of Court Frances Ríos de Morán, Esq. welcomed the group. Judge Pérez-Giménez, who is a member of the Committee on International Judicial Relations of the Judicial Conference of the United States, hosted a day-long program designed to enhance the Argentinean visitors' familiarity with the U.S. judicial system. Chief U.S. Magistrate Judge Justo Arenas led a discussion on case management and the plea bargaining process with the participation of the U.S. Attorney's Office and the Office of the Federal Public Defender. Clerk's Office staff gave the group a presentation of CM/ECF.

United States District Judge Gustavo A. Gelpí and United States Bankruptcy Judge Brian K. Tester greeted Perpetuo Socorro Academy's Boy Scout Pack 29 during their visit to the José V. Toledo United States Courthouse and Post Office Building in Old San Juan. The Boy Scouts participated in a mock criminal trial presided over by Judge Tester who guided them through all stages of the proceedings including jury deliberations.

In commemoration of Constitution Day, U.S. District Judge Gustavo A. Gelpí hosted a group of high school students from St. Francis School to explore the Supreme Court's decision of Scott v. Harris, 550 U.S. 372 (2007), and the Fourth Amendment's protection against unreasonable seizures. Judge Gelpí, assisted by volunteer attorneys who "argued" the case, directed an enlightening discussion with the students concerning the issues involved in the Supreme Court's final determination.

Combined Federal Campaign

The U.S. District Court was the lead agency for the 2008 Puerto Rico Combined Federal Campaign. Clerk of Court Frances Ríos de Morán, Esq., unveiled a symbolic check for the amount of \$1,088,214.46, the highest amount ever collected in the Puerto Rico Combined Federal Campaign. Approximately 15,576 military, civilian and postal workers are employed by the Federal Government in Puerto Rico. In 2008, a total of 6,989 federal employees participated in the Campaign. The Puerto Rico Combined Federal Campaign is one of more than 300 CFC campaigns throughout the country and internationally. The annual fund-raising drive conducted by federal employees, including military, civilian and U.S. Postal Service personnel on the Island, is part of the nation's leading workplace giving program and the only one authorized in the federal workplace. Locally, the Campaign is managed by *Fondos Unidos de Puerto Rico* (United Way).

BANKRUPTCY COURT DISTRICT OF PUERTO RICO

Information Technology

During 2008, the Information Technology Division began the year working on the projected opening of the Ponce courthouse. The AO and the Circuit Executive's Office coordinated all necessary infrastructure for data, voice, and courtroom technology to open the Ponce Courthouse by the end of the year. Changes and additions were done to the phone and network infrastructure to repair the existing one and to expand the service to the new areas that were constructed and/or renovated. By the end of the year, Ponce was ready with the network infrastructure, a temporary sound system and temporary analog telephone system.

During this same year, a WEB based freeware Help Desk was implemented to allow each supervisor to open the tickets directly in the Intranet. The CM/ECF program was upgraded to version 3.2, which provided an enhanced docket report, updated closing screen, judgment index report, transcript access restrictions, and fixed other reported situations that improve the overall functionality of the system.

The local servers realignment and upgrades continued, which included the replacement of the existing Novell Servers with Windows 2003/2008 server in preparation for the Ponce Courthouse opening. Also, plans continue to use Terminal Services to connect the divisional office users to the main office in Old San Juan. The gradual migration will continue until all users are part of the PRB domain, at which time the Novell Server will be shut down. All applications will run from a Windows operating system server with improved security and server replication. Plans are to have a replication server in Hato Rey and Ponce and include those sites as part of the COOP Plan. Also as part of the Courts COOP Plan, in conjunction with the cyclical replacement, the court's chambers, administrative and operational key personnel are provided with notebooks as their main workstation, to provide portability in case of an emergency.

During 2008, a Kiosk system was programmed and installed on the second floor to provide basic hearings and building information to all public visiting the court. Also, by mid-year the process was initiated to replace the existing phone system with an updated phone system using VOIP. With the help of the Circuit Executive's Office and the Administrative Office, Newcomb & Boyd was hired to assist with the design and implementation of this project.

The IT division assisted the Circuit Executive's Office with the installation of a new state of the art courtroom technology for the court of appeals 5th floor courtroom. New infrastructure was required and all the final installation was coordinated for the beginning of 2009.

Case Management

During 2008, the operational procedures for the opening of the new divisional office continued to develop. As part of these efforts, a comprehensive training was implemented for the transfer of personnel to Ponce.

In addition, newer versions of CM/ECF were tested and implemented. Training was provided when necessary. Also, operations personnel provided assistance to one of the judges

serving in the CM/ECF working group.

Educational Training

CM/ECF training continued for external users. The attorney manual was updated to incorporate changes in new versions.

Bench/Bar Programs

In January 2008, Judge Enrique S. Lamoutte participated as a panelist on the ABI Caribbean Insolvency Workshop held in Hollywood, Florida. He also participated in the Sacramento Valley Bankruptcy Forum in Sacramento, California in February 2008, and in the ABI Conference in Boston, MA in July 2008. Judge Brian K. Tester participated as a speaker at the Association of Bankruptcy Judicial Assistants Conference in San Antonio, TX in September 2008.

Special Conferences Programs

Judges Enrique Lamoutte and Gerardo Carlo attended the FJC Workshop for Bankruptcy Judges/Retirement Planning in Boston, MA. Judge Enrique Lamoutte also participated in the Bankruptcy Operations Forum in Salt Lake City, Utah, and on the BAP Workshop in San Diego, CA.

Statistics as of September 30, 2008

There was an overall 16% increase in filings from September 2007 to September 2008. As of September 2008, Chapter 7 cases increased by 38%, Chapter 11 cases increased by 36%, and Chapter 13 cases increased by 18%.

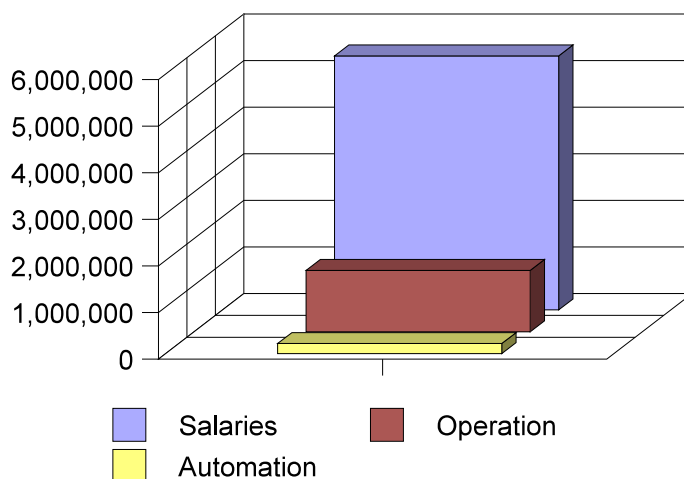
PROBATION OFFICE & PRETRIAL SERVICES DISTRICT OF PUERTO RICO

ADMINISTRATION

Budget Allotment Profile Fiscal Year 2008 - U. S. Probation and Pretrial Office

The U.S. Probation Office received a total of \$6,986,351.00 to be allotted for salaries, operation expenses, enforcement expenses, the automation fund, the Vehicle Reservation Program Grant, and an emergency supplement for law enforcement expenses.

Allotments 2008



Allotments

Salaries	\$5,451,438.00
Operation	\$1,317,816.00
Automation	\$ 217,097.00

Under the Budget Decentralization Policy approved by the Judicial Conference in 1991, local court units received increased authority and flexibility to develop, manage, and control their budget. The budget can be modified between Budget Object Codes (BOC), funds, and court units. The office continued to receive automation support from the Office of the Clerk System Department, via a Memorandum of Understanding established between court units.

ORGANIZATION

Human Resources

During 2008, an Assistant U.S. Probation Officer left the court, and a U.S. Probation Officer was transferred without break in service to the Middle District of Florida. Furthermore, the office recruited four (4) U.S. Probation Officers, four (4) Support Specialists, and one (1) Probation Services Technician. The office was staffed by a total of 59 officers and 30 support staff, for a total of 89 employees.

ACHIEVEMENTS

Training and Conferences

During Fiscal Year 2008, a total of 76 training sessions were facilitated resulting in a total of 5,893 staff hours. All 89 employees (100% of staff) participated in at least one (1) training session this fiscal year. The training hours averaged 68 hours per employee. Among the training programs provided were: Defensive Tactics, Firearms Training, Internet Policy Training, Sexual Offender Conference, New Officer's Orientation, RCCV/NCIC Training, Building Outstanding Supervisors, Crack Amendment Summit, Cybercrime Symposium, Sentencing Guideline Amendments, Addiction Counseling, Sentencing Guidelines, PACTS, Westlaw, First Aid, Fingerprinting, and Foundations of Management.

Automation

As part of upgrading the vehicle registration program, 15 workstations and 10 laptops were purchased, along with the purchase of a PVT LTO4-120 Tape Drive. A software program (TN3270 Plus Telnet Emulation for Windows Full Package) was purchased that allows access to the Bureau of Prisons data base system. A Quad Core Intel Xeon Server was purchased to improve day-to-day performance. In order to meet the present technology standards, Category 6 fiber optic cabling totalling was installed.

PACTS

This district continued to maximize the PACTS System and optimize the office performance. Pacts Central Hosting was successfully implemented and the upgrading to PACTS Version 5.5. was completed. This version of PACTS offered many new features, enhancements and case management tools, especially for officers.

PACTS Version 5.5. enhanced the probation officers' efficiency in processing case information used for bail report, pretrial case records, the preparation of pretrial case plans and monitoring defendants supervision and non-compliance. It also enhanced the Post Conviction Unit officers with the case tracking tools to capture post conviction non-compliance, preparing offender case plans, and locating client data records.

During FY 2008, the district worked jointly with the Systems Department to create new customized reports at all levels and in different categories and divisions of the office. The following reports were created: Case Management - Officers/Supervisors reports and Maps, Clinical Services Reports, Quality Control/Staffing/Workload/Cost Containment Reports, Management Reports, Post Conviction Supervision Reports, Court Services Reports and Bail Supervision Reports. During this period, the Data Quality Analyst continued to standardize data entry procedures, improve the statistics, and maintain uniformity of data. Quality Control methods were created to monitor the accuracy of the database and optimize the case management system to produce statistical and workload reports and minimize data entry errors.

Firearms Training / Security and Safety

During Fiscal Year 2008, officers in the district were offered 56 hours of Defensive Tactics Training in addition to the 16 hours required by the Administrative Office. There were four (4) Hazardous Duty Reports filed.

The Probation Office also conducted the following firearms training: Three (3) requalifications and two (2) initial firearms qualifications. Forty-nine (49) officers were qualified and authorized to carry duty-issued firearms during the fiscal year. Pursuant to the January 22, 2008 memorandum issued by the Administrative Office to the Chiefs, a New Firearms Qualification Course was adopted and it was to be implemented within one (1) year, during all requalification sessions.

Community Outreach

The office remains committed to impacting the community and help prevent drug use and crime, specifically, among youth. The Community Outreach Program, composed of five (5) volunteer officers, conducted two (2) outreach activities during Fiscal Year 2008. Public and

private schools, together with other youth organizations, were visited and over 150 youth and 13 teachers were impacted. Two (2) new presentations were offered regarding piracy and cybernetic crimes. The Student Internship Program once again provided the opportunity for two (2) students majoring in Criminal Justice from the Interamerican University to acquire basic knowledge and skills of the Office's role and intervention in serving the community.

OPERATIONS

Court Services

During FY 2008, the Court Services Division in the District of Puerto Rico operated with sixteen (16) full-time U.S. Probation Officers ten (10) officers plus a part-time officer conducting presentence investigations, two (2) "hybrid" officers conducting presentence and bail investigations on a respective ratio of 60/40%, and four (4) officers assigned to conduct pretrial services investigation duties. There was also a U.S. Probation Officer Assistant, six (6) support specialists, and a probation technician. Within the unit, senior probation officers continued to discharge their ancillary duties as trainers and mentors.

The Division is an Assistant Deputy Chief and three Supervising U.S. Probation Officers, conducted investigations, as needed, and performed their intrinsic administrative duties. One of the supervisors was appointed in March 2008, and developed a new pretrial services investigation unit within the Court Services Division. Further, the Court Services Division's Case Administrator has been instrumental in the establishment and maintenance of the court calendar for the office. In addition, the Case Administrator maintained a record keeping and tracking system of all assignments within the Court Services Division, monitored the work flow among the supervisors, and developed an instrument to measure staffing and workload needs within the division. The Case Administrator also maintained effective use of the Electronic Submission System of the Bureau of Prisons and the U.S. Sentencing Commission, and provided training to the support staff.

Pretrial Services Investigations

Cases activated (statistically opened), amounted to 1,334, a total of 213 more than the previous year. This district continued to report the most activations in the First Circuit.

Additionally, twenty (20) pretrial diversion cases were activated during this period, again the highest for the First Circuit, with 55.5% of the total activated. Out of the 1,334 cases activated, 1,327 (99.5%) were arrested by law enforcement agencies and the remaining seven (7) were provided verbal notice.

DEFENDANT PROFILE

<i>Total Cases Activated: 1,334</i>		
	<i>%</i>	<i>Predominant Ages</i>
<i>Male</i>	86%	18 to 40
<i>Female</i>	14%	18 to 40

<i>Employed at Arrest</i>	<i>Illegal Aliens</i>	<i>Drug / Alcohol Dependency</i>	<i>Under Psychiatric Treatment</i>	<i>Prior Felony Convictions</i>	<i>Pending Charges</i>
31.9%	21.4%	46.2%	18.1%	35.08%	11.5%

Case Profile

As is customary for the district, narcotics, controlled substances and marihuana cases remained the most frequent type of offenses in FY 2008, representing 49.4% of the total. This figure represents a 6.2 % increase from last fiscal year. Weapons and firearms charges amounted to 3.37% (less than last fiscal year), and immigration cases also slightly decreased from 12.1% to 10.8 %. These cases continue to account for the high percentage of defendants who remain detained without bail. Property related cases continued to be amongst the most frequently prosecuted with 16.19 %, and sex offense cases slightly increased from 1.0% to 1.12%.

Types of Offenses Charged

<i>Offense Charged</i>	<i>t</i>	<i>Total</i>	<i>Percentage</i>
Drugs		659	49.4%
Escape/Obstruction		1	0.075%
Firearms/Weapons		45	3.37%
Immigration		144	10.79%
Other		242	18.14%
Property		216	16.19%
Sex Offense		15	1.12%
Violence		12	0.89%
Public Order		0	0%
<i>Total Activations</i>		<i>1334</i>	<i>100%</i>

Workload

This office made recommendations in 1,307 cases, 98.0% of the cases activated. The U.S. Attorney's Office made recommendations in 98.5% of the cases. The U.S. Attorney's Office's recommendations for detention surpassed this office's recommendations by 14.7%. Detention recommendations increased in this office by 8.5%, while financial recommendations to the Court decreased by 3.1%. This district recommended detention in 62.3% of the cases.

<i>Pretrial Services and U.S. Attorney's Office Recommendations</i>					
<i>Type of PSO Recommendation Made</i>			<i>Type of AUSA Recommendation Made</i>		
<i>Pretrial Recommend.</i>	<i>Detention</i>	<i>Released</i>	<i>AUSA Recommend.</i>	<i>Detention</i>	<i>Released</i>
1307	814 (62.3%)	493 (37.7%)	1314	1,012 (77.0%)	302 (23.0%)

<i>Pretrial Services Release and Detention</i>		
<i>Cases</i>	<i>Released</i>	<i>Detained/Never Released</i>
1303	448 (34.4%)	855 (65.6%)

Presentence Investigations

As anticipated by the pretrial arrest numbers, the presentence investigation referrals increased by the end of FY 2008. The office required the assistance of four (4) TDY officers who completed an overall of 25 presentence investigation reports during their stay in the district. The office also received assistance from officers in the Supervision Division, who volunteered during an arduous transition time from a three-divisional office to a two-division court unit. Two (2) supervision officers remained in the Court Services Division to provide back-up. As a result, the number of presentence investigations in the unit remained constant, allowing the officers time to adequately complete the presentence investigations. During FY 2008, the unit was assigned 688 presentence investigations (to include a supplemental investigation to the BOP), an 8.1% increase from FY 2007.

SUPERVISION DIVISION

Fiscal year 2008 marks the integration of the bail supervision unit from pretrial services to post-conviction supervision. This integration was the first step in the restructuring of the community supervision operations of the U.S. Probation Office as a combined district - the Supervision Division. The pretrial release supervision unit was integrated with the three post-conviction release supervision units. The Supervision Division of our district was composed of one Assistant Deputy Chief, four supervisors, 30 line/specialist officers, and 11 support staff.

A total of 485 defendants and 1,412 offenders were under supervision at the end of FY 2008. (See *Tables 1 and 2*). This total reflects an average of 63.23 defendants /offenders per officer. The pretrial release supervision unit included cases from this District, courtesy supervision from other districts and pretrial diversion supervision cases. The post-conviction cases were mainly terms of supervised release and probation cases and a few parole term cases.

Table 1

<i>Persons Under Pretrial Release Supervision</i>	<i>FY 2007</i>	<i>FY 2008</i>
Regular Supervision	382	434
Courtesy Supervision	7	15
Pretrial Diversion	80	19
Other (unclassified)	24	32

Table 2

<i>Persons Under Post-Conviction</i>	<i>FY 2005</i>	<i>FY2006</i>	<i>FY2007</i>	<i>FY2008</i>
Term of Supervised Release	1242	1277	1252	1224
Probation	123	114	132	168
Parole	33	29	24	20
<i>Total</i>	<i>1398</i>	<i>1420</i>	<i>1408</i>	<i>1412</i>

Another major restructuring was the implementation of a post-conviction compliant caseload. After satisfying a specified criteria, these cases were placed under a minimal supervision plan that requires monthly reporting via telephone and direct intervention as needed. This plan's main objective was to facilitate more effective supervision of cases that require intensive monitoring and/or specialized social/rehabilitation services. At the same time, this minimum supervision plan serves as an incentive for the offender to comply with his release conditions and evidence improvement in his lifestyle. During this initial phase in FY 2008, this office placed 123 post-conviction supervision cases in the Complaint Caseload. This district's post-conviction supervision caseload is mostly composed of drug related convictions. It should be noted that Sex Offenses and Firearms violations cases continued to increase (see *Table 3*).

Table 3

<i>General Offenses</i>	<i>FY 2005</i>	<i>FY 2006</i>	<i>FY 2007</i>	<i>FY 2008</i>
Violence (Homicide, Robbery and Assault)	28	34	29	29
Drugs (Drug laws)	1034	1045	1017	986
Immigration	25	27	24	27
Firearms (Weapons and Firearms)	34	39	61	67
Sex Offenses		9	17	18
Property (Burglary, Larceny, Embezzlement, Fraud, Auto Theft, Forgery, Counterfeiting and Postal Laws)	171	169	175	159

Public Order (Traffic, Miscellaneous, Misdemeanor of Felony, Drunken Disorderly and General Offenses)	106	96	3	2
Escape/Obstruction		1	1	1
Other (Nonpayment and Federal Statutes)			81	123

During Fiscal Year 2008, a total of 53 Pretrial release revocation hearings were conducted. There were 52 bond revocation hearings held in Fiscal Year 2007. Revoked post-conviction supervision totaled 91 (6.44%), similar to 6.03% in FY 2007 (see Table 4).

Table 4

<i>Cases Revoked and Closed</i>			
	FY 2006	FY 2007	FY 2008
Probation	5	2	3
Term of Supervised Release	76	80	88
Parole	1	3	0
<i>Total</i>	<i>82</i>	<i>85</i>	<i>91</i>

Specialized Treatment and Monitoring Services (Law Enforcement Fund)

During Fiscal Year 2008, a total of \$1,101,200.00 was assigned to the Law Enforcement Fund. As mentioned earlier, the management of these funds was operationally integrated in the newly created Supervision Division. The allotment was divided as follows:

Drug/Alcohol Treatment	BOC 2526	\$360,102.00 plus (\$ 52,000.00 - supplement*)
Alternatives to Detention (Pretrial Release)	BOC 2527	\$358,830.00 plus (\$68,545.00 - supplement)
Mental Health Treatment	BOC 2530	\$ 232,500.00
Electronic Monitoring	BOC 2536	\$ 24,000.00
DNA	BOC 2538	\$ 5,223.00
Total		\$1,101,200.00

Treatment Services

Drug Aftercare Program

The drug aftercare program is divided into two categories: outpatient and in-patient substance abuse treatment. An average of 88 clients were served per month among our four (4) outpatient contract service providers.

Inpatient Treatment

During FY 2008, the number of clients that received inpatient treatment increased dramatically. An average of 13.5 male clients received inpatient treatment. However, females receiving inpatient treatment decreased during this fiscal year.

Job Placement

The number of referrals to the job placement program decreased. The agency contracted to provide these services was unable to assist defendants/offenders secure employment. Officers mostly used other non-contract agencies, as well as other local government agencies such as the Municipal Consortiums.

Outpatient Mental Health and Sex Offender Treatment Services

During Fiscal Year 2008, the number of defendants/offenders supervised by this office with some type of mental health condition continued to grow, including outpatient psychiatric care. Therefore, expenses in mental health treatment have increased significantly. The sex offender cases under supervision have also grown significantly. A cumulative monthly average of 83 clients received outpatient mental health services from contractors and about 17 sex offenders per month received specialized sex offender treatment services during FY 2008.

Drug Testing Program

The Drug Testing program continued to monitor and detect illegal substance use and abuse by our defendants/offenders. The main component of this program remained the random drug testing program, especially the phase one intensive drug testing program, known as the color code system. The random drug testing program is run by the laboratory technician, the contract specialist, and the Supervisor of the Drug and Mental Health Treatment Unit. Drug tests conducted during the year include arrest samples, pretrial supervision and post conviction supervision. Approximately 16.48 % of these tests yielded a positive result.

Location Monitoring Program

The Location Monitoring Program was fully integrated in FY 2008. The Location Monitoring Unit began supervising a combination of pretrial and postconviction supervision cases. Due to the number of pretrial release defendants with location monitoring condition,

regular supervision officers still maintained an overflow of cases. During FY 2008, a monthly average of 105.5 clients were supervised with location monitoring.

Accomplishments

During Fiscal Year 2008, this district hosted the First and Second Circuit Treatment Services Conference. There was representation from over twenty (20) districts, including Chiefs and Deputy Chiefs. There were approximately 80 participants in this event.

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

DISTRICT COURT

In 2008, the District of Rhode Island celebrated the 100th anniversary of the Courthouse building in downtown Providence. Throughout the year, the Court held a series of events to commemorate the Courthouse's opening in 1908. At the Centennial events held during 2008, the Courthouse welcomed two Supreme Court Justices, Judges from the First Circuit, former and current United States Senators, and other government officials. As part of the Centennial program, the Court also featured a number of educational events designed to appeal to both the bar and the public at-large.

Centennial Events

The Opening Ceremony for the Court's Centennial was held on February 12, 2008 and the Court was honored to have the Chief Justice of the United States, John G. Roberts, Jr., participate in the event. The Chief Justice participated in the ceremonies held in the Courthouse's historic courtroom for the public and met with law students from Roger Williams University School of Law and with the Courthouse staff privately later in the day.

The Court also held a special naturalization ceremony on June 16 (Flag Day) in the historic courtroom, where many immigrants have been naturalized for the past 100 years. Chief Judge Mary M. Lisi presided over the event during which about 100 individuals became United States citizens.

The Court was also honored to have the First Circuit Court of Appeals sit in the historic courtroom on October 8, 2008. Chief Judge Sandra L. Lynch, Circuit Judge Kermit V. Lipez, and Senior Circuit Judge Bruce M. Selya convened the session and heard a total of five cases.

The Court ended the courthouse anniversary with its Centennial Gala on November 21, 2008. General Service Administration Regional Administrator, Dennis Smith, U.S. District Court Chief Judge Mary M. Lisi, Chief Judge of the First Circuit Court of Appeals Sandra L. Lynch, United States Senator Jack Reed, and General Services Administration Assistant Regional Administrator, Glenn Rotundo each spoke about the significance of the Courthouse building at this public event. The Court was also honored to have Associate Supreme Court Justice David Souter and former United States Senator Claiborne Pell attend the event. In addition to speeches marking the occasion, attendees were treated to musical performances by Michele Hill of the General Services Administration and the Federal Chorale, as well as a video retrospective on the history of the Court and the Courthouse produced by the *Providence Journal*. The Centennial Gala closed with a reception in the Courthouse's main lobby.

Educational Events

Throughout the year, the Court also held a number of educational programs that were open to the public. As part of the Centennial celebration, the Court held a series of public panel discussions entitled the "Access to Justice" Symposia. These panel discussions explored topics of interest to the Court, the bar, and the public, including: representation of the indigent in civil

matters; balancing the rights of criminal defendants with those of eyewitnesses and victims; and the architectural features of the courthouse, which featured a self-guided walking tour of the courthouse.

The Court also held educational events for the bar throughout the year: the Federal Practice Series in March and April, and the 2008 District Court Conference in September. The Federal Practice Series featured seminars exploring the major differences between federal and state court practice; certification of a legal issue by the Federal Court to the Rhode Island Supreme Court, which featured Rhode Island Supreme Court Associate Justice William P. Robinson III; and removal and remand issues.

The 2008 District Conference (“Celebrating Lawyers and the Law”) was an all-day conference featuring substantive sessions on injunctive relief, federal sentencing guidelines, appellate practice, and summary judgment; panels featuring district and magistrate judges discussing the cases that had the greatest personal impact on them; and a closing session featuring a panel of lawyers discussing the impact of members of the legal profession on society at large. The district and magistrate judges of this Court and First Circuit Court of Appeals Chief Circuit Judge Sandra Lynch and Senior Circuit Judge Bruce Selya appeared on the panels that day, and 160 members of the bar attended the conference.

Other Courthouse Events

The Board of Bar Admissions for the United States District Court conducted its annual lecture series for prospective federal bar members in January 2008. The lectures covered civil and criminal procedure, professional conduct, bankruptcy, evidence, CM/ECF, and courtroom technology. One-hundred-seventeen (117) attorneys attended the lectures in 2008. On February 12, 2008, the Court also admitted 126 new members to the Bar of this Court. This was a particularly special ceremony, as these new federal bar members were sworn in by Chief Justice John G. Roberts, Jr.

On November 3, 2008, the Court held its annual Employee Appreciation Program at the Federal Reserve. All District Court and Probation Department employees attended the program.

Finally, the Court hosted its annual Criminal Justice Act (CJA) luncheon on December 18, 2008 for members of the Court’s CJA Panel. The 2008 meeting featured discussions with Hank Radowski, Regional Counsel for the Bureau of Prisons, and Wayne Salisbury and Timothy Tapley, Warden and Assistant Warden respectively, of the Wyatt Detention Center.

Training Events

Court employees participated in a variety of training activities throughout 2008. CPR/AED (Cardiopulmonary Resuscitation/Automated External Defibrillator) training was provided to Court staff by the United States Marshal Service. The Court’s ADR Administrator, Berry Mitchell, conducted a training session on the Code of Conduct. Court staff also participated in off-site training throughout the year, including COOP training in Denver, Colorado, the FCCA Conference in Louisville, Kentucky, and the GSA Expo in Norwood, Massachusetts.

Information Technology

The Court's IT Staff completed the technology upgrades of the Pastore building courtrooms. The IT Staff supervised the installation of upgraded sound systems, new videoconference systems, and the infrastructure to support evidence presentation technologies in all three courtrooms in the Pastore Building. During 2008, the Court also successfully implemented the Civil and Criminal Accounting Module (CCAM) and the electronic filing of transcripts in the CM/ECF system.

Local Rules

The Court received its Annual Report from the Local Rules Review Committee in September of 2008. The Committee recommended a number of amendments to the Local Rules and the changes were made effective in January 2009.

Personnel News

Senior Judge Ernest C. Torres, after 20 years of service to the Court, announced that he would be taking inactive status in early 2009. Retired Magistrate Judges Jacob Hagopian and Robert Lovegreen were recalled to duty by the First Circuit in 2008.

Two valued courthouse staff members, Rhonda Price, HR Specialist, and Doreen Baldinelli, Calendar Clerk, left courthouse employment in 2008, and the Court welcomed two new employees: Jill Connolly as HR Specialist and Roger Cole as IT Specialist.

Community Service

Courthouse staff dedicated both time and money to a variety of community service activities in 2008, including the Combined Federal Campaign, and collected donations for Amos House, a nonprofit social services agency that provides services to Rhode Island's homeless men and women. Courthouse staff also participated in a weekly mentor program at the San Miguel School, and through the VIPS (Volunteers in Providence Schools) Power Lunch Program, read to first grade students once a week at Flynn Elementary School.

District Court Statistical Caseload Profile Summary of 12-Month Period Ending September 30, 2008

Total Filings (Civil & Criminal, Including Criminal Case Transfers)	1387
Civil Filings	1259
Criminal Cases	106
Terminations	567
Cases Pending	1853
Trials (criminal/civil)	20 (10 per active Judgeship)

Median Time for Civil Cases	8.8 months
Median Time for Criminal Felony Cases	6.5 months
Median Time for Civil Cases Measured from Filing to Trial	25.0 months
Civil Cases Three Years or Older	288

BANKRUPTCY COURT DISTRICT OF RHODE ISLAND

Programs and Accomplishments

Videoconferencing Installation - The U.S. Bankruptcy Court completed its installation of videoconferencing technology in both the courtroom and conference rooms.

CM/ECF Upgrade to Version 3.2 - The Court successfully completed its upgrade to Version 3.2 of CM/ECF on July 24, 2008, which included extensive new functionality for the electronic filers and court users.

Local Rules - The Court, working with its Attorney Advisory Committee, published for comment several local rule and form changes, as well as the production of a new local rule book. These amendments took effect on February 15, 2008.

Redesigned Public Website - The U.S. Bankruptcy Court underwent an extensive review and redesign of its public website to expand the content, improve search and navigation features, and include an extensive section for self help users.

Improved Access to Court Information - The court adopted an improved calendaring program, a new unclaimed funds report and a database for recovering monies on deposit with the court, as well as several new on-line and telephonic resources for Spanish speaking customers.

Launched Reciprocal Internal Controls Audit Program - The Court partnered with the Bankruptcy Court for the District of New Hampshire to create a reciprocal program for conducting internal control evaluations. New Hampshire staff audited Rhode Island bankruptcy in May 2008, and Rhode Island staff traveled to New Hampshire in October to audit the court.

Electronic transmission of Appeals to U.S. District Court - The Bankruptcy Court and the District Court implemented the electronic transmission of appeals.

Implementation of Electronic Performance Management Program - The Clerk's Office implemented an electronic performance appraisal and management program to more effectively review and manage its employees.

National Committee Participation

Administrative Services Methods Analysis Program - Clerk of Court Susan Thurston continued her participation of the ASMAP group, traveling to the Administrative Office in November 2007 to participate as a steering group member. The purpose of this program is to identify and document best practices in the administrative services areas for the benefit of the entire judiciary, such as property management and internal control evaluations.

Bankruptcy Clerks Advisory Group Budget Finance and Advisory Council Tenant Alterations Subcommittee - Clerk of Court Susan Thurston served as a member of this Administrative Office Advisory Groups from 2006-2008, which involved numerous meetings in Washington, D.C. and telephone conferences to address national budget issues, refreshment of the national formulas used for allocating resources, development of a new tenant alteration formula for the judiciary, bankruptcy-related issues for the BCAG, and a new work measurement formula.

Clerk Editorial Board - Clerk of Court Susan Thurston and Administrative Projects Coordinator Linda Spaight both served on the Bankruptcy Clerk's Editorial Board, which was tasked with updating the Bankruptcy Clerk's Manual to incorporate the changes brought about by electronic filing, as well the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA).

Education Programs

Attorney Electronic Filing Training - Staff of the Clerk's Office conducted over 15 classes on its electronic filing system for members of the bar throughout 2008, for both creditor training and debtor training.

Financial Forum in Kansas City, Missouri - Clerk of Court Susan Thurston served as faculty at the 2008 Administrative Office Financial Forum held in Kansas City, Missouri in late September, chairing a panel on conducting internal control evaluations.

National Conference of Bankruptcy Clerks - Five Clerk's Office staff traveled to San Antonio, Texas in August 2008, to participate in educational training related to working in the judiciary and bankruptcy topics sponsored by the NCBC.

2008 Space Projects

The replacement of Judge Votolato's courtroom doors was completed. In addition, electronic blackout blinds were installed to facilitate video conferencing and new counsel chairs were installed to upgrade the 25 year-old courtroom. In the Clerk's Office, the main conference room was updated to allow for courtroom audio and video streaming for overflow purposes, as well as to create a more functional space to accommodate larger groups.

Awards, Ceremonies and Events

2008 Giannini Award by the Rhode Island Legal Educational Partnership - This award was given to Bankruptcy Judge Votolato in recognition of his many years supporting the

Rhode Island Legal Educational Partnership, and most especially its Mock Trial Program for Rhode Island junior and senior high school students.

Employee Recognition Ceremony - On September 22, 2008, the Court held its annual employee recognition program. This annual event was especially exciting in 2008 as the Bankruptcy Court recognized and celebrated Judge Votolato's fortieth year as U.S. Bankruptcy Judge in Rhode Island, having joined the Court in 1968. Additionally, Judge Votolato's Judicial Assistant, Leah Waterman, was awarded the 2008 Sustained Superior Performance Award.

Personnel News

New Hires - Sam Nogueras was hired as the Courtroom Technology Specialist, Jennifer Morro and Pam Ricciarelli were hired as Case Managers and Katherine Flaherty was hired as Public Information Specialist. Jeffrey Dana and Alex Strom were hired as Law Clerks.

Position Changes - Holly D'Agostino was promoted to Courtroom Deputy and Linda Spaight was promoted to Administrative Projects Coordinator.

Retirements - Cindy Cory, Courtroom Deputy to Judge Votolato, retired after more than 37 years of federal service, with nearly 28 of them at the Bankruptcy Court.

Resignations - Jonathan Calianos, Career Law Clerk to Judge Votolato, left the Court in May 2008 to become an Administrative Law Judge for the Department of Labor. Jennifer Watts, Administrative Operations Assistant, left the Court to work as a paralegal at a local law firm.

Statistics (Calendar Year 2008)

Total Filings (All Chapters): 4300

Chapter 7 Cases: 3574

Chapter 13 Cases: 715

Terminations: 3745

Chapter 11 Cases: 11

Increase over 2007: 52.6%

Cases Pending: 2290

PROBATION & PRETRIAL SERVICES DISTRICT OF RHODE ISLAND

Staffing

The District of Rhode Island continued to serve as a combined office for both probation and pretrial services. During Fiscal Year 2008, the sixteen-member staff consisted of the Chief, three supervisors, seven probation officers (including the Sentencing Guideline Specialist, Drug & Alcohol Contracting Specialist, and Special Offender Specialist), Management Analyst, Budget Manager and three support personnel. A shared IT arrangement, which was entered into with the District Court in FY 07, has yielded significant accomplishments. Of the authorized personnel, 10% was allocated for pretrial services, 49% was for post-conviction supervision, 12% for presentence work, and 29% for organizational and automation factors.

Training

Despite a busy workload, training remained a top priority for FY 08 and the officers and supervisors in the units averaged in excess of the required 40 hours of training. The District made greater use of the PEI program of the Federal Judicial Center and participated in a variety of local and national training efforts. A district conference was held for all staff which emphasized team building and a continuing commitment to the Probation Office's Charter for Excellence.

Space and Equipment

The Probation Office is located in the United States Court House and Post Office building located on the third floor of the John O. Pastore Federal Building, 2 Exchange Terrace, Providence, Rhode Island. The U.S. Marshals Service cellblock, the magistrate judges' chambers, courtrooms and Clerk's Office staff are conveniently located in the same building on the second floor. Pretrial Services defendant interviews are conducted in one of three locations - the probation office, the cell block interview room, and the local prison facility housing the defendant while he/she awaits initial presentment in Federal Court.

Coordination with Other Court Personnel

The Chief Probation Officer maintains frequent personal contact with the District and Magistrate Judges. Formal and informal meetings are held to ensure the court remains completely satisfied with the services provided. The supervisor, who is responsible for the day to day operations of the Pretrial Services Unit, maintains frequent contact with the two Magistrate Judges and their staff as well as representatives of the U.S. Marshals Service, the U.S. Attorney's Office, the Federal Public Defender's Office and the defense bar in general. A COOP Plan and an OEP were updated, as well.

Treatment Services

A portion of defendants supervised by the Pretrial Services Unit have a condition requiring drug testing, drug treatment, mental health treatment, or electronic monitoring. Utilization of these services allowed for appropriate alternatives to detention at a significant cost savings to the taxpayers. While their case remains pending, these defendants have been able to reside in the community.

A five-year comparison of expenditures in the above areas revealed the following:

	2004	2005	2006	2007	2008
Pretrial Services Expenditures	\$15,339	\$30,722	\$22,668	\$24,535	\$47,855

During FY 2008, the District allocated \$11,851 for electronic monitoring expenses, \$140,510 for drug treatment and testing, and \$171,209 for mental health treatment. The Probation Office purchased substance abuse and mental health treatment services from the following providers: Gosnold Treatment Center; Phoenix House of New England; Providence Community Action; Child and Family Services; Gateway Healthcare, Inc.; and Adcare Hospital. If so ordered

by the Court, the defendants participated in out-patient substance abuse treatment to include individual and group sessions. If warranted, this Office provided residential drug treatment to include inpatient detoxification, and a full range of long-term residential treatment services. Further, out-patient mental health treatment was also made available to include psychiatric evaluations, medication monitoring, mental health assessments, mental health counseling, and sex offender counseling. This Office provided urine screening on-site with instant test cups supplied by Kroll Laboratories. Confirmation testing was provided by Scientific Testing Laboratories. Further, the District utilized Securicor for the unit's electronic monitoring contracting and Sprint for officer cell phones.

Workload Trends

Arrests

During Fiscal Year 2008, there were a total of 152 cases activated. Pretrial services reports with recommendations were prepared in 97% of the cases processed in this district.

A statistical summary of the pretrial services workload for the past year is provided below :

1	Total Cases Activated	152
2	Defendants Released on Bond	53
3	Defendants Under Supervision as of 9/30/08	46
4	Pretrial Cases Closed	102
5	Average Number of Days Detained	270

Post Conviction Supervision

During FY 2008, this unit supervised 353 offenders on probation, parole and supervised release. Approximately 58% of the caseload had special conditions for substance abuse treatment, 28% had conditions for mental health treatment, and 25% had conditions for community service.

Of the cases supervised, 41% were for serious drug offenses, 20% were for firearms offenses, and 7% for other violent offenses. Sixteen cases were revoked from supervision for a revocation rate of 6%.

Officers traveled approximately 45,000 miles throughout the year to gather data for pretrial and presentence reports, conduct collateral investigations for other districts across the country, and supervise pretrial services and post-conviction offenders in the community.

This office collected almost \$1.5 million in restitution, fines and special assessments.

Presentence Reports

The District Court referred 109 guideline presentence reports to this Office. The result was reports that included detailed criminal and social histories, resolved objections, and individualized sentencing recommendations pursuant to case law.

Program Review

During FY 2008, the District was subject to an intensive, routine program review by the Administrative Office, Office of Probation, and Pretrial Services. The review concluded that this Office provided excellent services with no serious deficiencies.

Safety

Safety continued to be a top priority for the district. All officers engaged in several forms of safety training, including hands-on defensive tactics. Working with the District of New Hampshire, this Office maintained an active firearms and safety program. In addition to routine training and qualifications, the firearms training included low light situations, scenario based situations, simulation, and firearms familiarization. All officers who are qualified to carry a firearm underwent frequent supervised training and practice.

**NARRATIVE REPORTS
OF THE
FEDERAL PUBLIC DEFENDERS**

FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF MAINE

Summary

2008 marked the second full year of client representation, since cases were first accepted on October 1, 2006. This unit opened a total of 130 cases in 2008 and closed 120 cases, coming in under budget and with one staff resignation.

Cases

Caseload remained varied. Drug and gun cases predominated, with fraud and immigration matters close behind. The year brought several trials in Portland and Bangor, as well as multiple testimonial hearings. Many cases in the district begin with either Target Letters or Criminal Complaints frequently leading to negotiated pleas to an Information. This process may account for the modest number of trials. Four appeals were filed along with the completion of four appeals all in 2008.

OFFICE LOCATION	PENDING 12/31/07	CASES OPENED 2008	CASES CLOSED 2008	PENDING 12/31/08
Portland	38	9	84	45
Bangor	26	39	36	29
TOTAL	64	130	120	74

New Criminal Justice Act (CJA) Plan

Working with the Clerk's Office and the National CJA panel representative, a new CJA Plan was adopted by the Court. The Federal Public Defender's Office created a merit-based peer review application process for panel membership to be overseen by a five-person CJA Panel Selection Committee. The Committee will complete its work in June 2009. Under the new plan, appointments are made on a consistent rotation, spreading the CJA caseload evenly among the panel. Annual training, including training in federal sentencing, is required. Appointment is for a two-year term with no limitation on reappointment. The initial panel will have half the members appointed for three years so there will be staggered applications in the future. A unique feature of the plan charges the committee with working to attract and train diverse and newer attorneys to federal defense work.

SWiTCH Program

Federal Defender David Beneman, Assistant Federal Defender Eric Vos and Administrative Officer Maggie Laughlin participated with the Probation and Pretrial Services, the US Attorney and Magistrate Judge Margaret Kravchuk in the creation, training and

implementation of a re-entry court for the District of Maine. A year and a half of research and planning led to Success With the Court's Help (or SWiTCH). Credit for initiating the program goes to P.O. Tim Duff who made this project his personal goal. December 4, 2008, marked the initial session with six participants signing contracts. The clients were all on supervised release and struggle with substance abuse histories that create a heightened risk for supervised release violations and recidivism. SWiTCH serves as a part of the court treatment team, with a goal of reducing recidivism and violations through treatment, training, and structure. To avoid conflicts, if a participant fails and is removed from the program, he will be appointed CJA counsel for any subsequent violations.

Budget

This unit continued to manage the budget closely and again came in under budget for FY 2008.

Staffing

This unit remained staffed as initially approved by the Circuit and the Defender Services Advisory Committee. There are two Assistant Defenders, one each for Portland and Bangor; two secretaries, one each for Portland and Bangor; an Office Administrator; and an Investigator covering both offices. The office's Investigator resigned at the end of the year. The position remains vacant. The computer system is handled by the CSA from Hartford, CT. The CSA travels to Maine at least once a year for an inspection, testing, and any needed physical changes.

This office continues to encourage staff training and professional development. This year, members of the office participated in the paralegal and investigator skills workshop, HRMIS training and procurement training. The Assistant Federal Defender (AFD), Eric Voss, and the Federal Defender, continued to serve as faculty for various conferences and workshops sponsored by ODS, including Law and Technology, CJA training, and Winning Strategies.

This office participates in the extern program of the University of Maine School of Law and hosted a third-year student as a volunteer extern in this office for winter term 2008. The extern gets school credit for his/her work, and is mentored. The externship begins anew in September 2009.

CJA and CLE

This office provides continued legal education to its CJA panel. One- to two-hour training sessions were held monthly in Portland and, as time allows, in Bangor, with topics selected based on current local and national issues. This District also provides one-on-one advice, coaching and brainstorming to panel attorneys, who consult with the office almost daily. This office sponsors CALR training and electronic evidence and courtroom presentation training for the panel. The Federal Defender's Office of the District of Maine is an approved provider of CLE credits under the Maine Bar rules and reports attendance directly to the Overseers.

This District, the First Circuit, and the Federal Defender from Massachusetts co-sponsored a Federal Criminal Appellate Practice Writing Seminar, with approximately 70 attendees. E-mail

based newsletters and CJA informational updates were sent to the panel and National CJA Panel Representatives for distribution as appropriate in other districts.

Management Assessment/Internal Controls Evaluation

This District received a favorable report as the result of a management assessment of operations conducted in August 2008, by a team led by David Hopkins, Program Operations and Assessments, Office of Defender Services. The team reviewed policies and procedures, financial activities, and security plans and procedures and conducted personal interviews with staff. At the recommendation of the team, an internal controls evaluation was conducted in October 2008, performed by Matt Landy, Administrative Officer from the Northern District of NY. There were no major findings. All recommendations have subsequently been implemented. This district participated in Homeland Security Building Security Assessment.

National Work

This District continued to represent the First and Second Circuits on the Defender Services Advisory Group (DSAG) in a multi-year effort to create a national FDO file disposition policy. The draft policy was approved by Defenders at the National Federal Defender Conference in December 2008. Since, the Federal Defender has met with multiple groups within the Administrative Office (including the Court Administration and Case Management Committee (CACM) and with representatives of the National Archives and Records Administration (NARA) who are mandated to oversee the archiving and destruction of federal government records. The policy next needs approval by the Defender Services Committee (December 2009), before going to the Judicial Conference.

**FEDERAL PUBLIC DEFENDER
FOR THE DISTRICTS OF
MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND**

The number of cases opened for the three offices combined rose a total of 26% from FY 2007 to FY 2008. Opened cases increased 19% in Boston, 33% in Concord, and 32% in Providence. Closed cases increased slightly in Boston, by 1.9%, and in Rhode Island, by a fraction of one percent. In Concord, the number of closed cases went up 17%.

The Assistant Federal Public Defenders (“AFPDs”) in Massachusetts continued to spend a great deal of time on cases brought under 18 U.S.C. § 4248, the statutory provision for civil commitment of individuals designated as sexually dangerous persons (SDP). Two of these cases went to trial toward the end of FY2008.

In June 2008, Ian Gold, who formerly worked in the SDP unit of the Committee for Public Counsel Services (the state public defender’s office in Massachusetts), was hired as an AFPD. Ian filled one of two new AFPD positions in the Boston office. The other, an appellate AFPD slot, was filled by Martin J. Vogelbaum, formerly a Research and Writing Specialist in the office. In 2008, there were 12 AFPD’s in the Boston office, 4 in New Hampshire, and 3 in Rhode Island. Toward the end of FY 2008, a fourth position was added for a Research and Writing Specialist. Lawyers in these positions assist the AFPDs in preparing motions and analyzing issues.

In addition, AFPDs Catherine Byrne and Stellio Sinnis, along with paralegal Allyson Fortier, continued to devote considerable energy to the Court Assisted Recovery Endeavor (“CARE”) program, which provides intensive supervision of defendants with substance abuse problems. The appellate division, led by Judith Mizner, filed an amicus brief and argued as amicus in United States v. Giggey, U.S.C.A. No. 07-2317.

This office supports the CJA Panel by hosting and participating in training programs in all three districts. Several of this unit's lawyers also have served as faculty for national training programs. In Massachusetts, this office has worked with the Criminal Justice Act Board to present a series of seminars in Boston and Springfield. In FY2008, those seminars covered issues related to retroactive reductions in crack sentences, recent developments in sentencing law, and child pornography cases. The branch office in Concord, NH holds seminars twice a year for its panel. Recent programs have focused on sentencing issues, firearms cases, and identity theft. In Rhode Island, where the CJA Panel is small and the CJA Plan calls for the FDO to take 75% of the appointed cases, support for the CJA Panel has been more informal.

A quarterly newsletter is distributed electronically. Two listservs are hosted, for both district court and appellate practitioners. These listservs are extremely active and, according to lawyers who participate, provide a valuable resource. This office also continues to provide informal support to the panel, usually through telephone calls from panel members seeking advice and occasionally by holding moot courts for CJA appellate lawyers.

With the help and support of the Circuit Executive’s Office, this office continued to address some of its space issues. Preparations are underway to relocate the Boston office from the Williams Coast Guard Building to 51 Sleeper Street. Expansion of the office space in Providence, RI is also being explored.

**FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF PUERTO RICO**

Staffing and Facilities

Fiscal Year 2008 was a year of growth for the Office of the Federal Public Defender for the District of Puerto Rico. This fact is clearly reflected in the number of cases handled, the increase in personnel, the expansion of operations and larger budgetary appropriations.

The District of Puerto Rico's Federal Public Defender Office has become one of 30 largest FPD Offices in the nation. The number of staff has increased, along with enhancement of the quality of the hires. In FY 2008, Melanie Carrillo was hired to be an Assistant Federal Public Defender, and Marisol Pedrosa was hired as a Legal Secretary. At the end of the Fiscal Year, Giovanni Canino was hired for an Assistant Federal Public Defender position.

Finally, this year space has increased by 2,264 sq. ft. This increase was accomplished by connecting facilities to the fourth floor of the building adjacent to the present location. In order to do this, a bridge (access) was completed between the two buildings.

Criminal Case Statistics

In the area of criminal cases, this office has seen a marked increase in both categories of cases "opened" and "closed." At the beginning of the fiscal year, projections included opening approximately 780 cases and closing 800 cases. These estimates were surpassed, and at the close of FY 2008 the real numbers were 1,087 opened cases and 1,080 closed. This data verifies projections provided in last year's Report of Operations.

Immigration, Narcotics, Firearms and Fraud

As in the past, illegal immigration, narcotics, illegal firearms, and fraud cases continued to comprise the largest categories of cases. This year, over 210 immigration cases were opened and closed; narcotics cases followed with 54 cases opened and 59 cases closed. Fraud represented the third category of cases with nearly 65 cases opened. Weapons violations accounted for the third largest group: 16 cases opened and 39 cases closed.

Death Penalty Prosecutions

There continued a number of prosecutions of Death Penalty cases in this jurisdiction. This unit continued to one of the leading jurisdictions in the nation for Federal Death Penalty eligible prosecutions. This office handles three new Death Penalty Eligible cases every year. In 2008, there were three Assistants involved in these type of cases, including the Senior Trial Attorney. To this date, no Jury has returned a death penalty verdict in any of the cases indicted in this District.

Continued Legal Education

During FY2008, the Federal Public Defender maintained its role in educating members of the CJA Panel. This education was done by responding to the panel's particular and individual

needs in the handling of assigned cases, or by providing training for the Panel with the Court Continuing Legal Education (CLE) programs.

Conclusion

This year, the Office of the Federal Public Defender for the District of Puerto Rico opened, closed and served more clients than any year in its history. Despite not being the largest office in the First Circuit, the office handled more cases than any other FDD office in the Circuit, and also represented over 65% of all criminal cases in this district. Positive results for the clients were reflected in an increase in dismissals of complaints and indictments, a larger than usual number of PTD's, and the fact that half of all cases that went to trial resulted in not guilty verdicts.

NARRATIVE REPORTS
ON MATTERS OF
JUDICIAL ADMINISTRATION

THE JUDICIAL CONFERENCE OF THE UNITED STATES MARCH AND SEPTEMBER 2008

The present administrative structure of the federal court system is less than a century old. Originally, the individual judges were the de facto administrators of the court system. In the 1870s, the Office of the Attorney General of the United States was given a large degree of administrative responsibility for running the court system. This designation of authority was the earliest attempt at providing centralized management for the courts. The Office of the Attorney General maintained a centralized bookkeeping system and attempted to ensure that the courts worked expeditiously and efficiently.

In 1922, the Judicial Conference of the United States was formally created. It was intended that the Judicial Conference would assume a major share of administrative responsibility for the running of the federal courts.

The statutory responsibilities assigned to the Judicial Conference are to:

make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges ... [and] ... submit suggestions . . . to the various courts to promote uniformity of management procedures and the expeditious conduct of court business . . . [and to] . . . carry on a continuous study of the operation and effect of the general rules of practice ... as prescribed by the Supreme Court for the other courts of the United States. . .

28 U.S.C. § 331.

The Judicial Conference meets twice a year, in March and September. The Judicial Conference has as its members the chief justice of the United States presiding, the chief judges of each of the circuit courts of appeal, the chief judge of the U.S. Court of International Trade, and one elected district judge from each of the 12 regional circuits. The Conference works mostly through its committees and is staffed by employees from the Administrative Office of the United States Courts (AO).

At the March 11, 2008 Judicial Conference, Mr. James C. Duff, Director of the Administrative Office of the United States Courts (AO), reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Judge Hinojosa reported on Sentencing Commission activities. Judge Hornby, Chair of the Committee on the Judicial Branch, reported on the judicial salary restoration initiative, and Judge Tunheim, Chair of the Committee on Court Administration and Case Management, presented a preliminary report on a study of courtroom use.

At the September 16, 2008 Judicial Conference, Mr. James C. Duff, Director of the Administrative Office of the United States Courts (AO), reported to the Conference on the judicial business of the courts and on matters relating to the AO. Judge Rothstein spoke to the Conference about Federal Judicial Center (FJC) programs, and Judge Hinojosa reported on Sentencing Commission activities. Judge Hornby, Chair of the Committee on the Judicial Branch, presented a report on the judicial salary restoration initiative, and Chief Judge Gibbins, Chair of the Committee on the Budget, reported on judiciary appropriations and other budget matters.

FIRST CIRCUIT JUDICIAL CONFERENCES

Circuit judicial conferences are periodic circuit-wide meetings convened pursuant to 28 U.S.C. § 333. A modification to this statute, which formerly mandated an annual conference, permits the Judicial Conference to be held in alternate years. A 1996 modification of § 333 made attendance optional; formerly, active circuit and district judges were required to attend unless excused.

In the First Circuit, circuit judicial conferences are generally conducted in two different formats. One type of conference, often called a “mini-conference,” is designed primarily for judicial officers and certain court personnel. In addition to the judges, others who attend include the circuit executive, senior court personnel and representatives of the Administrative Office of the U.S. Courts and the Federal Judicial Center. These conferences are organized by a committee of judges, appointed by the chief judge, with the assistance of the circuit executive and his staff.

The other meeting format is the full-scale conference. Attendees at these conferences include those who attend the mini-conferences and, pursuant to Local Rule 47.1, representatives from the districts such as presidents of the state and commonwealth bar associations, deans of accredited law schools, state court chief justices, the public defenders and the U.S. attorneys. Politicians from the city and state, in which the conference is being held, are also invited, as are, a substantial number of lawyers who are members of the federal bar.

In planning the full-scale conference, the Judicial Council selects the approximate dates for the conference and assigns one of the districts in the circuit to act as a host district. The chief judge of the circuit appoints a Planning Committee to organize and conduct the conference. This advance work is usually done one-and-a-half to two years prior to the conference.

The selection of the attorney invitees to a full-scale conference is handled in the following manner. After the Planning Committee has selected a site and received the approval of the chief judge of the circuit, the number of invitees that the site can accommodate is determined, and a number of slots is assigned to each district (roughly based on the proportion of the number of judges in a given district to the total number of judges in the First Circuit, plus an allotment for the Court of Appeals). The district court chief judges, in consultation with their respective judges, supply lists of nominees to receive invitations to attend. Based on these lists, invitations are then extended by the chief judge of the circuit.

The Office of the Circuit Executive assists the Planning Committee in all aspects of its work. The circuit executive also provides the point of contact for continuity purposes, is the custodian of the Judicial Conference Fund, and serves as the secretary of the conference.

A full-scale conference is scheduled for May 2010 in Boston, Massachusetts.

BUSINESS OF THE FIRST CIRCUIT JUDICIAL COUNCIL

Circuit judicial councils were created by Congress in 1939, along with the Administrative Office of the United States Courts and circuit judicial conferences, to assist in the management of the courts. The chief judge of the circuit presides over the council, and its membership consists (in this circuit) of all the active judges of the court of appeals and one district judge from each of the five districts in the circuit. Each circuit judicial council has administrative responsibility for all courts in its circuit. It is authorized to:

make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit . . .

28 U.S.C. § 332(d).

Council meetings in the First Circuit are generally held twice a year. In 2008, the council meetings took place on April 8 and September 9. Many matters are decided by mail vote between meetings.

A principle task of the judicial council involves the consideration of complaints of judicial disability or misconduct. An explanation of the council's role in these matters and a summary of final action taken by the council during 2008 is provided at pages 114 and 115. In addition, at the September 2008 meeting, the judicial council voted to post all final orders issued in misconduct complaints on the First Circuit Court of Appeals web site, excluding private reprimands and other discipline that the council determines to be private.

Another primary task of the judicial council is to review statistics of individual courts and judges. The council undertakes this task, in part, with a view towards providing additional help where assistance is required.

Other judicial council action taken during 2008 included: approval of changes to the local rules of the First Circuit Bankruptcy Appellate Panel; various cost reduction measures; review of courthouse construction projects and expenditures; review of juror utilization, trials and other court activity statistics; review of court security measures; review of privacy rules, and the approval of bankruptcy judge assignments.

SPACE AND FACILITIES

Introduction

This report covers the activities of the space and facilities staff of the Circuit Executive's Office from January and December 2008.

FY 2008 was the pilot year for the new program of rental cost containment, the Circuit Rent Budget (CRB). Under this program, new space projects are grouped in one of two funding categories: "B" projects are for new and replacement judges, prospectus level new construction or repair and alteration projects, and lease-construction projects; and "C" projects for other construction necessary to provide expansion for all other court needs in a cost effective way. The AO administers the "B" funds, while the Circuit Council oversees the use of "C" funds. In 2008, a total of five B projects were submitted and approved; two were new projects and three were resubmitted.

Kelly McQuillan joined the Circuit Executive's space and facilities department as the Facilities Construction Manager in August of 2008. Ms. McQuillan worked previously as the Assistant Building Manager of the Moakley Courthouse for Boston Courthouse Management Associates.

Court of Appeals

The First Circuit submitted a "B" project for replacement judge's chambers in Providence, RI. This project, for Judge Selya's replacement, was approved and is anticipated to come on line in 2010.

Space actions were initiated to place the Bankruptcy Appellate Panel in its permanent location at the John W. McCormack Building. It is anticipated that the BAP will occupy its new space in the fall of 2010.

District of Maine

A "B" project was resubmitted and approved in 2008 for a new magistrate judge's courtroom and security upgrades in the M.C. Smith Federal Building, located in Bangor, ME. GSA has also requested funding for a repair and alteration project on this building. The Judiciary's work would be completed concurrently.

A "C" project was initiated for the Probation Office in Bangor, ME. The scope of this project includes relocating existing Probation space to allow for contiguous office functions. This project is anticipated to be completed in the fall of 2009.

The Probation Office in Portland, ME will be relocating to new leased space, closer to the Gignoux Courthouse, upon conclusion of its lease in 2009. Market surveys are underway and occupancy of the new space is anticipated for fall of 2009.

The lease for the Bankruptcy Court is also scheduled to expire in 2009. Planning is underway for the Court to remain in place.

District of Massachusetts

The new courthouse in Springfield was completed and occupancy was achieved in late August 2008. The dedication ceremony was conducted on October 6, 2008.

A "B" project was resubmitted and approved for the build out of the 4th chambers and courtroom in Springfield. This is in anticipation of Judge Ponsor taking senior status in 2011. Design is scheduled to begin in 2009.

Renovations to the J.W. McCormack Post Office and Courthouse continue towards the goal of fall of 2009 completion. The Bankruptcy Courts will occupy space in this building upon its completion.

In the Moakley Courthouse, the District Court IT staff required additional space. A "C" project was initiated, and plans to restack existing office space were implemented. The new project will allow housing for 11 full time staff members, an increase from the 8 originally housed in the same area. Occupancy of the newly renovated space will be achieved in spring of 2009.

Space actions were implemented to relocate the Probation Office in Plymouth to Taunton. This relocation was initiated to allow the Probation Office to better serve its constituency. Occupancy is anticipated in the spring of 2010.

The Federal Public Defender in Boston will be relocating to new space in the summer of 2009. A lease has been secured at 51 Sleeper Street and the design phase of the project is well underway.

District of Puerto Rico

A "B" project was resubmitted and approved for one District Court senior judge's chambers and two shell chambers in the J.V. Toledo Post Office in San Juan. This project is anticipated for completion in 2010.

Construction is underway at the Ferre Post Office and Courthouse in Ponce, to allow for the relocation of Bankruptcy Judge Brian Tester. Security and design modifications are well underway and occupancy is anticipated in the winter of 2009.

District of Rhode Island

The Circuit submitted a "B" project for chambers for Judge Torres' replacement. This project was approved and the space action is underway. Occupancy will be determined by the confirmation of the replacement judge.

OFFICE OF THE CIRCUIT EXECUTIVE INFORMATION TECHNOLOGY DEPARTMENT

In 2008, the IT Department continued its research, implementation, and support of the data and telecommunications systems throughout the First Circuit. In addition to its general support role, the IT Department was also involved in numerous projects throughout the year:

Windows Active Directory

During the year, the final transition from the Novell Network system to Windows Active Directory was achieved. In addition to providing simplified user and computer access, this new system allows for greater flexibility in deploying updates. It allows for a central database where all of the computers and systems attached to the network are identified and can be centrally managed.

Case Mangement (CM)

During this year, the implementation of the Case Management (CM) system was finished. This was the first part of CM/ECF (Case Management/Electronic Case Files). The new system is ODBC (Open DataBase Connectivity) compliant and will allow the court to access and use the data from the CM/ECF database in other applications. This will allow different uses in the area of case management, document management, reporting, and sharing of information.

Dual Monitors

The deployment of dual monitors was completed. These will help users in comparing documents when they have the need or have more than one document open to use as a reference.

Cisco Upgrades

Most of the courts in the Circuit upgraded their network infrastructure partly in anticipation of moving to VOIP phone systems, and to improve the overall speed and functionality of their local networks. The IT staff of the Circuit Executive's Office assisted in these implementations.

Virus and Malware Detection

As part of an on-going security analysis, members of the IT staff went from a virus detection and removal program (SAV) with some capability of preventing malware to one that provides more monitoring and detection of external attacks on the network. The new program (SEP) provides a tighter integration of virus/malware detection with a stronger firewall to catch programs such as trojans and bot-nets that can infect and take over control of a computer. With this new program, each computer takes action to prevent the malware from operating and staff is notified of any attacks in order to assist the user in removing the offending programs.

Teleconferencing in Puerto Rico

As with the Cisco upgrades the Circuit Executive's IT staff were called upon to assist in the installation and configuration of video conferencing in the Old San Juan Courthouse. This system is used by both Court of Appeals and Bankruptcy Courts.

IT Conference

This year the annual IT conference was held in Newport, RI. It was a joint conference with IT staff from the First, Second, and Third Circuits. The First Circuit IT staff planned, coordinated, and hosted the conference. These conferences help the various members of the different IT departments to see what others are doing and to see what may be coming in the future. Common goals are discussed, as well as plans to achieve them.

Building Infrastructure

Problems with some of the HVAC systems were addressed this year. In the computer room, the air conditioning system experienced many problems. Working with BCMA, the IT Department attempted to resolve these issues. It was decided that a separate system, not dependent upon the building's water supply would have to be added so that the temperature in the room would be maintained at the proper level. Although a permanent solution has not yet been implemented, the IT staff purchased portable AC units and placed them in strategic location in the computer room to aid in cooling when there is a problem with the main AC unit.

Computer Security

With many users connecting to the court network through court supplied laptops, etc. the IT Department is concerned with protecting the integrity and security of the network. The incidence of viruses and spyware has increased. To reduce these incidents, IT has established and implemented policies for local computer firewalls and anti-virus software on computers used by court personnel in their homes or other remote locations.

Server Virtualization

It has become apparent that servers are not used to their full potential. Most physical servers use about 15-25% of their total capacity. When more capacity was needed, more servers were purchased. Not only did this increase the overall hardware expenditure but it placed additional burdens on the physical infrastructure. More power and cooling became necessary. Gradually, many installations implemented what is known as virtual servers. This is a concept that came from the days of the large mainframe computers. The servers were divided into many smaller virtual servers each with its own operating system. With a virtual server, when a processor is waiting for some type of input, virtualization software allows the computer to use that processing power on other tasks. With the advent of the more powerful processing chips, the ability to split the processing up as an individual server became more available. By doing this to our servers we are able to increase processing power, add capacity, and speed the network without the increase cost of added machines and infrastructure improvements.

JUDICIAL MISCONDUCT AND DISABILITY

The Judicial Misconduct and Disability Act, codified as 28 U.S.C. § 351 *et. seq.*, authorizes "any person" to file a complaint alleging that a judge has engaged in "conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability" 28 U.S.C. § 351(a). See also Judicial Improvements Act of 2002, P.L. 107-273. After a complaint is received by staff of the Circuit Executive's Office, the chief judge reviews the complaint, in accordance with 28 U.S.C. § 352. The chief judge may then dismiss the complaint, conclude the proceeding for corrective action taken or intervening events, or, where necessary, appoint a special committee to further investigate the charges of judicial impropriety. See 28 U.S.C. §§ 352-3.

Both the complainant and the judge have the right to file a petition for judicial council review of an order of dismissal entered by the chief judge. See 28 U.S.C. § 352(c). Except where a special committee has been appointed, and in other limited circumstances, see id., at § 354, the orders issued by the judicial council are "final and conclusive." 28 U.S.C. § 357(a).

In March 2008, pursuant to 28 U.S.C. §§ 331 and 358, the Judicial Conference of the United States adopted the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial Misconduct). The adoption of uniform mandatory rules was intended to provide national standards and procedures for handling judicial misconduct and disability proceedings. The new Rules were also intended to effectuate many of the recommendations included in the "Breyer Committee Report", 239 F.R.D. 116 (Sept. 2006), which was issued in 2006 after a study, commissioned by Chief Justice Roberts, on the implementation of the Judicial Conduct and Disability Act of 1980.

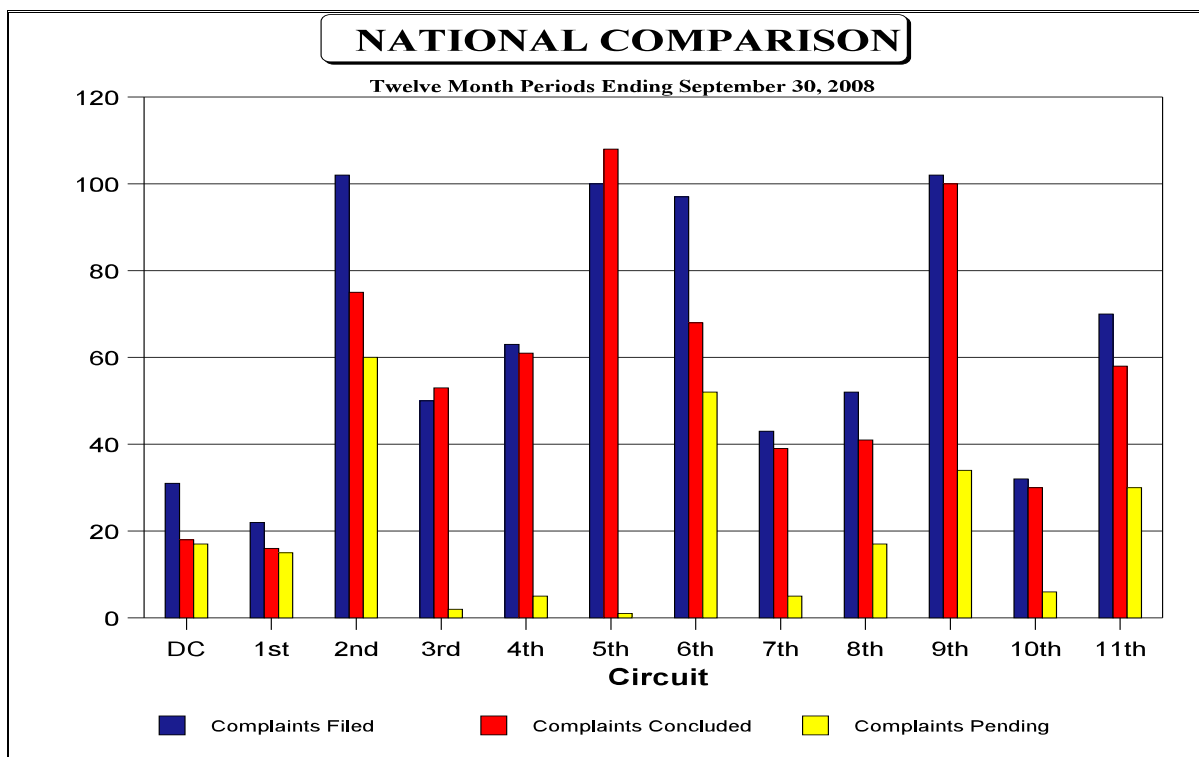
Pursuant to 28 U.S.C. § 352(d) and the Rules of Judicial Misconduct, the chief judge annually designates two review panels to act for the Judicial Council on petitions for review. This amendment was adopted in response to a provision of the Judicial Improvements Act of 2002 that explicitly authorized the referral of petitions for review to "a panel of no fewer than 5 members of the council, at least 2 of whom shall be district judges." 28 U.S.C. § 352(d). Any member of the review panel may vote to refer the petition to the full Judicial Council. While judicial misconduct proceedings are confidential, final written orders issued by the chief judge and Judicial Council are publicly available. See 28 U.S.C. § 360.

Summary, First Circuit Complaints of Judicial Misconduct or Disability, 2008

Complaints Filed in 2008 (calendar year)	100*
Orders of Dismissal Issued by Chief Judge (5 of the orders were issued in 2009)	100
Petitions for Review filed with Judicial Council (3 of the petitions were filed in 2009)	24
Orders of Dismissal Affirmed by Judicial Council (4 of the Council orders were issued in 2009)	24
Show Cause Orders Issued	6
Preculsion Orders Issued (3 of the preclusion orders were issued in 2009)	6
Total No. of Judges Charged in 2008	60

* The Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial Misconduct), adopted in March 2008, recommend that a complaint number be assigned to each judge identified in a complaint. See Rules of Judicial Misconduct, Commentary on Rule 8. The increase in the number of complaints filed in 2008, as well as in the total number of judges charged with misconduct, reflects this new procedure, as one complainant filed a complaint against 60 judges.

NATIONAL COMPARISON OF REPORT OF COMPLAINTS FILED AND ACTION TAKEN UNDER AUTHORITY OF 28 U.S.C. §§ 351-364



REPORT OF COMPLAINTS FILED, CONCLUDED AND PENDING UNDER AUTHORITY OF TITLE 28 U.S.C. §§ 351-364 For the Twelve-Month Period Ending September 30, 2008

Summary of Activity	Circuit											
	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Complaints Filed	37	38	75	110	89	134	76	110	57	231	75	121
Complaints Concluded	37	26	59	87	89	109	39	87	56	92	60	113
Complaints Pending	6	24	45	43	13	36	35	39	14	142	26	38

ATTORNEY DISCIPLINE

During 2008, the Court of Appeals for the First Circuit handled 21 attorney disciplinary cases under the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit (Rules of Disciplinary Enforcement), four of which resulted in disbarment and 15 of which resulted in suspensions. One attorney disciplinary case was administratively terminated due to the death of the respondent. None of these proceedings was initiated by the Court of Appeals; 20 of them arose out of the reciprocity provisions of Rule II of the Rules of Disciplinary Enforcement and one was initiated by the United States District Court.

HISTORY AND NOTABLE EVENTS

On April 1, 2008, Magistrate Judge David Michael Cohen retired from the District of Maine.

On April 2, 2008, John H. Rich, III, was appointed U.S. Magistrate Judge for the District of Maine.

On June 1, 2008, James B. Haines, Jr., of the District of Maine, became Chief Judge of the Bankruptcy Appellate Panel.

On June 16, 2008, Circuit Judge Sandra L. Lynch was elevated to Chief Judge, U.S. Court of Appeals for the First Circuit, succeeding U.S. Circuit Judge Michael Boudin.

Effective August 29, 2008, Bankruptcy Judge Gerardo A. Carlo-Altieri was reappointed as Bankruptcy Judge for the District of Puerto Rico.

**UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT
FAIR EMPLOYMENT PRACTICES NARRATIVE REPORT**

The First Circuit Court of Appeals (the “Court”) initially adopted the Model Affirmative Action Plan (the “Plan”) recommended by the Judicial Conference of the United States, with minor modifications, effective March 2, 1981. On March 4, 1987, the Court made further amendments to the Plan in accordance with the revisions adopted by the Judicial Conference at its September 1986 session and in accordance with the revised Model Equal Employment Opportunity Plan supplied by the Administrative Office of the United States Courts (“First Circuit EEO Plan”).

On October 10, 1999, the Court adopted the Employment Dispute Resolution Plan (“EDR Plan”) for the First Circuit Court of Appeals. The EDR Plan is intended to provide court employees with the rights and protections of the Model EDR Plan adopted by the Judicial Conference of the United States in March 1997.

This narrative report reflects data collected from: staff of the Senior Circuit Judges and Circuit Judges, the Circuit Executive’s Office, the Bankruptcy Appellate Panel, the Office of the Clerk of the First Circuit Court of Appeals, the Office of the Senior Staff Attorney, the Office of the Circuit Librarian (including satellite branches throughout the Circuit), and the Court of Appeals Civil Appeals Management Program (CAMP). The Offices of the Federal Public Defender (for the Districts of Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico) have issued separate reports.

PERSONNEL SUMMARY

As of September 30, 2008, there were 122 Court of Appeals employees. Of those employees, 42 (34%) were male and 80 (66%) were female; 103 (84%) were white and 17 (14%) were minorities. There were 3 African-American employees, 9 Hispanic employees, and 5 Asian employees and 2 Not Reported.

SIGNIFICANT ACHIEVEMENTS

There were 28 new appointments made during this reporting period. Of those new appointments, 15 were male and 13 were female; 22 were white, 6 were minorities.

During the reporting period, 22 employees were promoted. Of those employees, 8 were male and 14 were female; 16 were white, 5 were minorities, and 1 Not Reported.

TRAINING

As noted above, on October 10, 1999, the Court adopted the EDR Plan for the First Circuit Court of Appeals.

An Anti-Discrimination and Civility Statement is posted in each clerk's office throughout the Circuit. The Circuit Executive's Office also provides materials to judges and court employees describing their rights and responsibilities with respect to workplace and employment issues and provides a list of resources for obtaining additional information. New court employees receive an orientation in which the EDR Plan is distributed and relevant information is provided.

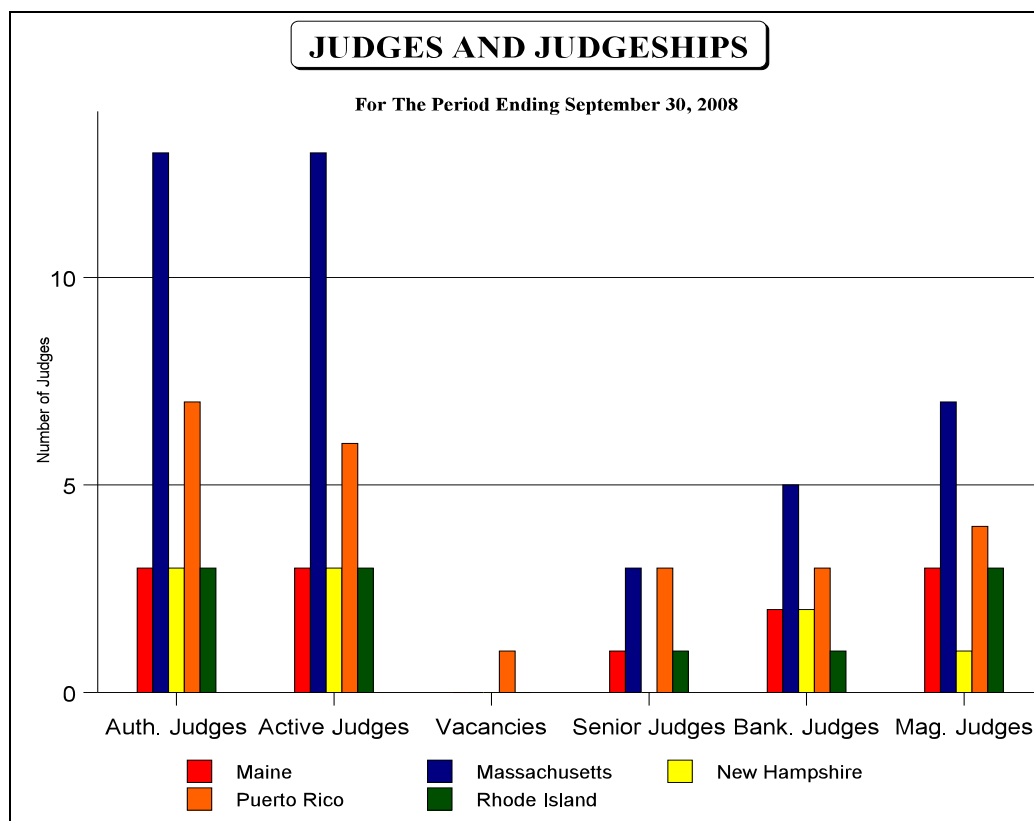
COMPLAINTS PROCESS

There were no complaints filed during this reporting year.

OTHER MATTERS OF THE COURT

JUDGES AND JUDGESHIPS

Judgeship Summary



JUDGES AND JUDGESHIPS						
For the Period Ending September 30, 2008						
Districts	Auth. Judges	Active Judges	Vacancies	Senior Judges	Bank. Judges	Mag. Judges
Maine	3	3	0	1	2	3
Massachusetts	13	13	0	3	5	7
New Hampshire	3	3	0	0	2	1
Puerto Rico	7	6	1	3	3	4
Rhode Island	3	3	0	1	1	3
Total Dist. Ct.	28	28	0	8	13	18
Total Court of Appeals	6	6	0	4		
Total 1st Circuit	35	34	1	12	13	18

**FIRST CIRCUIT JUDGES SERVING ON U.S. JUDICIAL
CONFERENCE COMMITTEES, SPECIAL COURTS AND
THE BOARD OF THE FEDERAL JUDICIAL CENTER**

2008

Edward F. Harrington	SJ	Massachusetts	Committee on the Administration of the Bankruptcy System
Bruce M. Selya	CJ	Court of Appeals	Foreign Intelligence Surveillance Court
Nathaniel M. Gorton	DJ	Massachusetts	
James B. Haines	BJ	Maine	Committee on Court Administration and Case Management
Aida M. Delgado-Colón	DJ	Puerto Rico	
D. Brock Hornby (Chair)	DJ	Maine	Committee on the Judicial Branch
Steven J. McAuliffe	DJ	New Hampshire	
José Antonio Fusté	DJ	Puerto Rico	Committee on Criminal Law
Joan N. Feeney	BJ	Massachusetts	Committee on International Judicial Relations
Marianne B. Bowler	BJ	Massachusetts	
Daniel R. Dominguez	DJ	Puerto Rico	Committee on the Administration of the Magistrate Judges System
John A. Woodcock, Jr.	DJ	Maine	Committee on Defender Services
Jay A. Garcia-Gregory	DJ	Puerto Rico	Committee on Codes of Conduct
George Z. Singal (Chair)	DJ	Maine	Committee on Judicial Resources
Joseph A. DiClerico, Jr.	DJ	New Hampshire	Committee on Judicial Conduct and Disability
Patti Saris	DJ	Massachusetts	Committee on the Budget
John A. Woodcock, Jr.	DJ	Maine	

CJ: Circuit Judge
DJ: District Judge

MJ: Magistrate Judge
BJ: Bankruptcy Judge

SJ: Senior Judge

**FIRST CIRCUIT JUDGES SERVING ON U.S. JUDICIAL
CONFERENCE COMMITTEES, SPECIAL COURTS AND
THE BOARD OF THE FEDERAL JUDICIAL CENTER**
(continued)

2008

Richard G. Stearns	DJ	Massachusetts	Committee on Judicial Security
Michael A. Ponsor, Chair	DJ	Massachusetts	Committee on Space and Facilities
William E. Smith	DJ	Rhode Island	Committee on Information Technology

CJ: Circuit Judge
DJ: District Judge

MJ: Magistrate Judge
BJ: Bankruptcy Judge

SJ: Senior Judge

JUDICIAL COUNCIL OF THE FIRST CIRCUIT

2008

(as of December 31, 2008)

Honorable Sandra L. Lynch, Chief Judge	Court of Appeals
Honorable Juan R. Torruella	Court of Appeals
Honorable Bruce M. Selya	Court of Appeals
Honorable Michael Boudin	Court of Appeals
Honorable Kermit V. Lipetz	Court of Appeals
Honorable Jeffrey R. Howard	Court of Appeals
Honorable John A. Woodcock, Jr.	District of Maine
Honorable Reginald C. Lindsay	District of Massachusetts
Honorable Steven J. McAuliffe	District of New Hampshire
Honorable Aida M. Delgado-Colón	District of Puerto Rico
Honorable William E. Smith	District of Rhode Island

Observing Members

Honorable William C. Hillman	District of Massachusetts Bankruptcy Judge
Honorable Margaret Kravchuk	District of Maine Magistrate Judge

**THE UNITED STATES COURTS
FOR THE FIRST CIRCUIT**

NEW APPOINTMENTS

District of Maine

Magistrate Judge John H. Rich, III

REAPPOINTMENTS

District of Puerto Rico

Bankruptcy Judge Gerardo A. Carlo-Altieri

ELEVATED TO CHIEF

Court of Appeals
Bankruptcy Appellate Panel

Judge Sandra L. Lynch
Bankruptcy Judge James B. Haines, Jr.

SENIOR STATUS

None

RETIREMENTS

District of Maine

Magistrate Judge David Michael Cohen

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

(as of December 31, 2008)

Honorable Sandra L. Lynch, Chief Judge

Honorable Juan R. Torruella
Honorable Bruce M. Selya
Honorable Michael Boudin

Honorable Norman H. Stahl
Honorable Kermit V. Lipetz
Honorable Jeffrey R. Howard

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE**

Honorable, George Z. Singal, Chief
Honorable D. Brock Hornby
Honorable Gene Carter
Honorable John A. Woodcock, Jr.

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MAINE**

Honorable Louis H. Kornreich, Chief
Honorable James B. Haines, Jr.

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE**

Honorable Margaret Kravchuk
Honorable John H. Rich, III

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

Honorable Mark L. Wolf, Chief
Honorable Morris E. Lasker
Honorable Joseph L. Tauro
Honorable Rya W. Zobel
Honorable William G. Young
Honorable Douglas P. Woodlock
Honorable Edward F. Harrington

Honorable Nathaniel M. Gorton
Honorable Richard G. Stearns
Honorable Reginald C. Lindsay
Honorable Patti B. Saris
Honorable Nancy Gertner
Honorable Michael A. Ponsor
Honorable George A. O'Toole
Honorable F. Dennis Saylor

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

Honorable Henry J. Boroff, Chief
Honorable William C. Hillman
Honorable Joan N. Feeney
Honorable Joel B. Rosenthal
Honorable Frank J. Bailey

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

Honorable Kenneth P. Neiman, Chief
Honorable Robert C. Collings
Honorable Joyce London Alexander
Honorable Marianne B. Bowler

Honorable Judith G. Dein
Honorable Leo T. Sorokin
Honorable Timothy S. Hillman

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Honorable Steven J. McAuliffe, Chief
Honorable Joseph A. DiClerico
Honorable Paul J. Barbadoro
Honorable Joseph N. Laplante

**JUDGES OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Honorable Mark W. Vaughn, Chief
Honorable Michael J. Deasy

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Honorable James R. Muirhead

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF PUERTO RICO**

Honorable, Jose Antonio Fusté, Chief
Honorable Juan M. Pérez-Giménez
Honorable Carmen Consuelo Cerezo
Honorable Jaime Pieras, Jr.
Honorable Raymond L. Acosta

Honorable Salvador E. Casellas
Honorable Daniel R. Dominguez
Honorable Jay A. Garcia-Gregory
Honorable Aida M. Delgado-Colón
Honorable Gustavo A. Gelpi
Honorable Francisco A. Besosa

**UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF PUERTO RICO**

Honorable Gerardo A. Carlo-Altieri, Chief
Honorable Sara E. De Jesús
Honorable Enrique S. Lamoutte
Honorable Brian K. Tester

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF PUERTO RICO**

Honorable Justo Arenas, Chief
Honorable Camille Vélez-Rivé
Honorable Bruce J. McGiverin
Honorable Marcos E. Lopez

**JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND**

Honorable Mary M. Lisi, Chief
Honorable Ronald R. Lagueux
Honorable Ernest C. Torres
Honorable William E. Smith

**JUDGE OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF RHODE ISLAND**

Honorable Arthur N. Votolato, Chief

**MAGISTRATE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND**

Honorable David L. Martin
Honorable Lincoln D. Almond
Honorable Jacob Hagopian
Honorable Robert W. Lovegreen

COURT UNIT EXECUTIVES

CIRCUIT EXECUTIVE

Gary H. Wente
United States Courts for the First Circuit

FIRST CIRCUIT CLERKS OF COURT

Richard Cushing Donovan
Court of Appeals

Linda L. Jacobson
District of Maine

Sarah Allison Thornton
District of Massachusetts

James R. Starr
District of New Hampshire

Frances Rios de Moran
District of Puerto Rico

David DiMarzio
District of Rhode Island

FIRST CIRCUIT BANKRUPTCY CLERKS OF COURT

Alec Leddy
District of Maine

James Lynch
District of Massachusetts

George A. Vannah
District of New Hampshire

Celestino Matta-Mendez
District of Puerto Rico

Susan M. Thurston
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PROBATION

Karen-Lee Moody
District of Maine

John Bocon
District of Massachusetts

Thomas K. Tarr
District of New Hampshire

Eustaquio Babilonia
District of Puerto Rico

Barry J. Weiner
District of Rhode Island

FIRST CIRCUIT CHIEFS OF PRETRIAL SERVICES

John R. Riley
District of Massachusetts

Eustaquio Babilonia
District of Puerto Rico

FIRST CIRCUIT FEDERAL PUBLIC DEFENDERS

David Beneman
District of Maine

Miriam Conrad
District of Massachusetts
District of New Hampshire
District of Rhode Island

Joseph C. Laws, Jr.
District of Puerto Rico

STATISTICAL REPORTS

STATISTICS
COURT OF APPEALS

U.S. COURT OF APPEALS NATIONAL COMPARISON
APPEALS COMMENCED, TERMINATED AND PENDING
DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2007 & 2008

	COMMENCED			TERMINATED			PENDING*		
CIRCUIT	2007	2008	Percent Change	2007	2008	Percent Change	2007*	2008	Percent Change
TOTAL	58,410	61,104	4.6	62,846	59,096	-6.0	51,063	53,071	3.9
DISTRICT OF COLUMBIA	1,310	1,307	-0.2	1,309	1,285	-1.8	1,550	1,572	1.4
FIRST	1,863	1,631	-12.5	1,752	1,776	1.4	1,609	1,464	-9.0
SECOND	6,334	6,904	9.0	7,228	6,434	-11.0	5,511	5,981	8.5
THIRD	3,924	4,054	3.3	4,066	3,990	-1.9	3,707	3,771	1.7
FOURTH	4,542	5,185	14.2	4,900	4,671	-4.7	2,796	3,310	18.4
FIFTH	8,055	7,667	-4.8	9,578	8,086	-15.6	5,470	5,051	-7.7
SIXTH	4,818	4,853	.7	4,962	4,781	-3.6	4,373	4,445	1.6
SEVENTH	3,227	3,307	2.5	3,280	3,281	0.0	2,247	2,273	1.2
EIGHTH	3,020	3,022	.1	2,988	3,103	3.8	2,044	1,963	-4.0
NINTH	12,549	13,577	8.2	13,600	12,373	-9.0	16,505	17,709	7.3
TENTH	2,407	2,226	-7.5	2,680	2,385	-11.0	1,857	1,698	-8.6
ELEVENTH	6,361	7,371	15.9	6,503	6,931	6.6	3,394	3,834	13.0

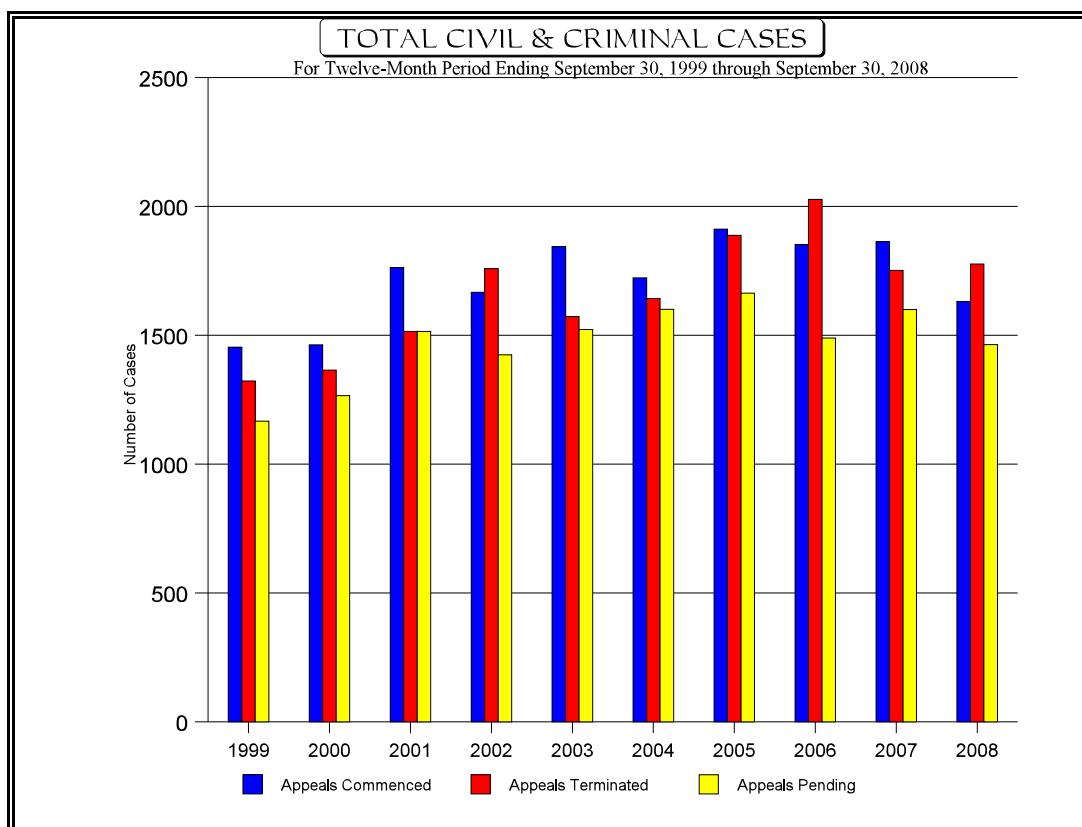
*Pending caseloads for 2007 revised by the Administrative Office of the United States Courts.

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
SOURCE OF APPEALS AND ORIGINAL PROCEEDINGS FOR THE
12-MONTH PERIODS ENDING SEPTEMBER 30, 2001 - 2008

SOURCE	2001	2002	2003	2004	2005	2006	2007	2008
FIRST CIRCUIT TOTALS	1,762	1,667	1,844	1,723	1,912	1,852	1,863	1,631
MAINE	164	115	141	143	171	132	120	126
MASSACHUSETTS	659	621	635	578	602	610	621	582
NEW HAMPSHIRE	112	96	117	121	118	98	94	125
PUERTO RICO	498	524	574	510	506	518	563	417
RHODE ISLAND	150	134	122	116	131	139	141	103
BANKRUPTCY	24	35	36	19	31	27	24	31
U.S. TAX COURT	3	3	5	4	5	5	3	3
NLRB	5	10	3	4	11	6	10	4
ADMINISTRATIVE AGENCIES, TOTAL	55	82	153	164	260	239	239	191
ORIGINAL PROCEEDINGS	92	60	66	72	93	89	61	56

NOTE: Totals include reopened, remanded, and reinstated appeals as well as original appeals.

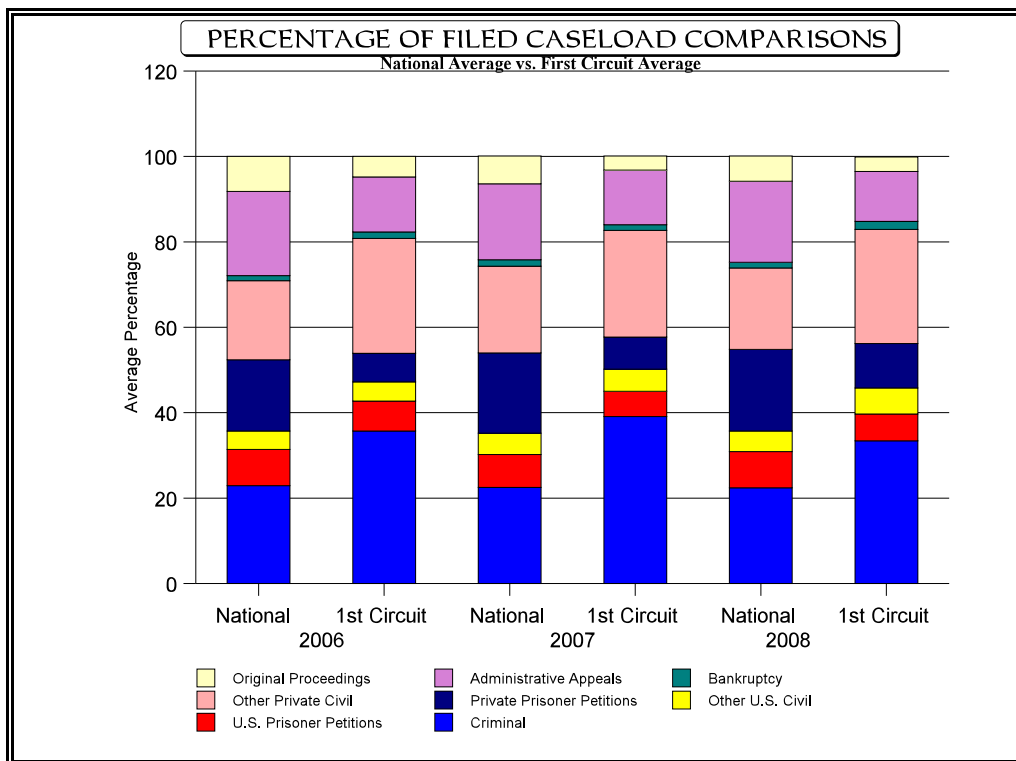
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
 APPEALS COMMENCED, TERMINATED AND PENDING
 DURING THE 12-MONTH PERIODS ENDING
 SEPTEMBER 30, 1999 THROUGH SEPTEMBER 30, 2008



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT
 COMPARISON 1999 - 2008

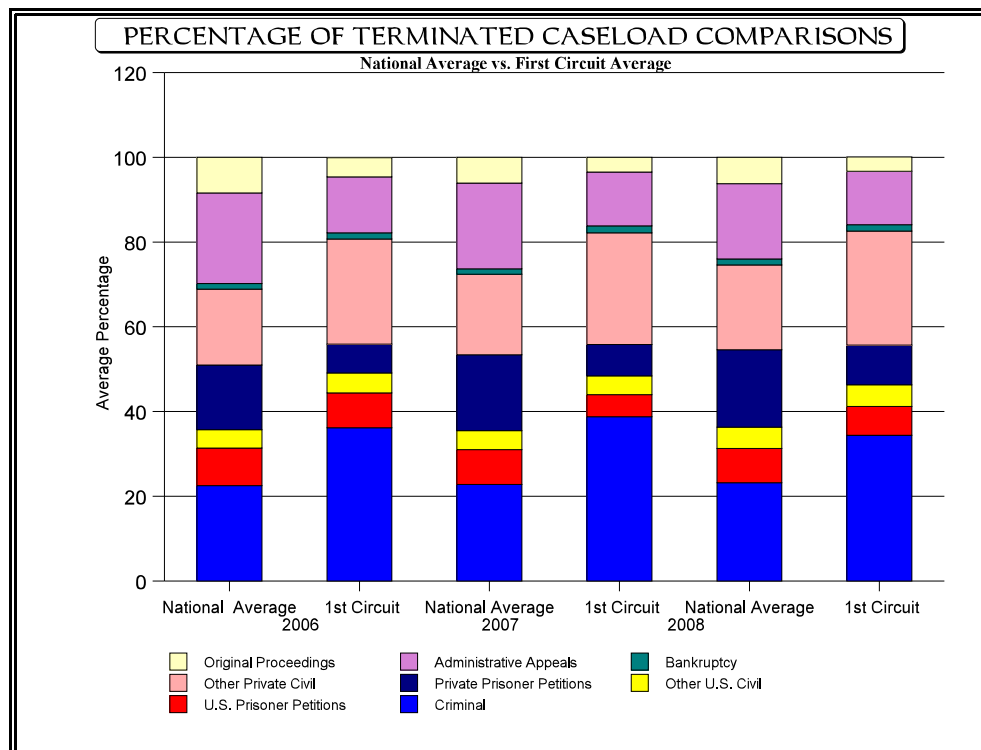
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
APPEALS COMMENCED	1,454	1,463	1,762	1,667	1,844	1,723	1,912	1,852	1,863	1,631
APPEALS TERMINATED	1,323	1,365	1,515	1,758	1,573	1,643	1,888	2,027	1,752	1,776
APPEALS PENDING	1,167	1,266	1,515	1,424	1,522	1,619	1,663	1,489	1,600	1,464

CIRCUIT COMPARISON FOR FILED CASELOAD



FILED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2006 THROUGH 2008						
	2006		2007		2008	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	22.9	35.7	22.5	39.1	22.4	33.4
U.S. PRISONER PETITIONS	8.5	7.0	7.7	5.9	8.5	6.3
OTHER U.S. CIVIL	4.3	4.5	5.0	5.2	4.8	6.1
PRIVATE PRISONER PETITIONS	16.7	6.7	18.8	7.5	19.1	10.4
OTHER PRIVATE CIVIL	18.5	26.9	20.3	25.0	19.1	26.7
BANKRUPTCY	1.2	1.5	1.5	1.3	1.3	1.9
ADMINISTRATIVE APPEALS	19.7	12.9	17.8	12.8	19.0	11.7
ORIGINAL PROCEEDINGS	8.2	4.8	6.5	3.3	5.9	3.4

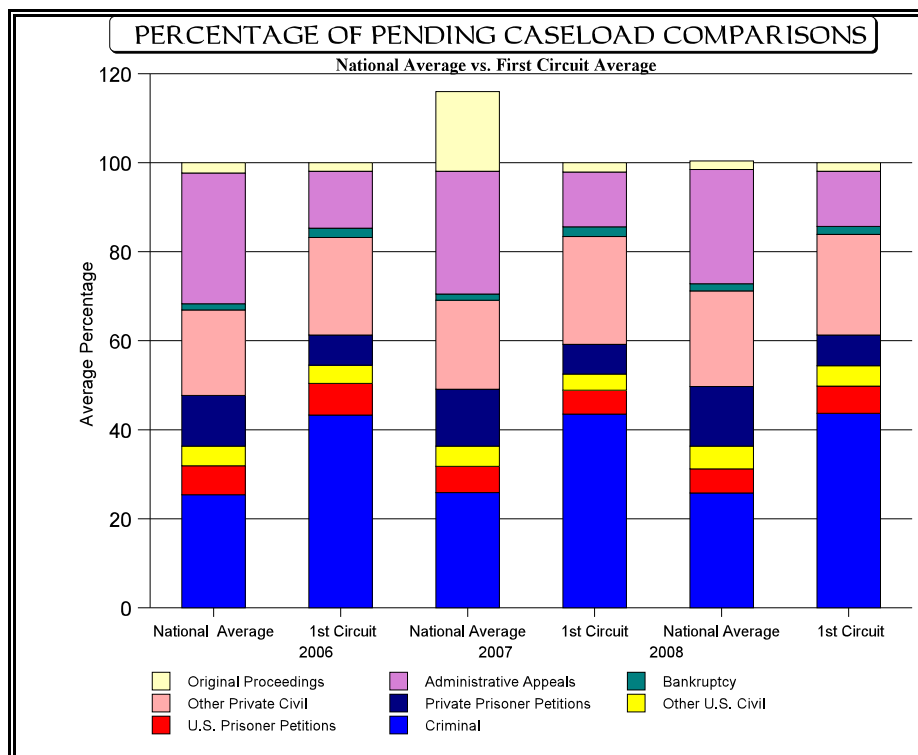
CIRCUIT COMPARISON FOR TERMINATED CASELOAD



TERMINATED CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2006 THROUGH 2008

	2006		2007		2008	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	22.5	36.2	22.8	38.8	23.2	34.4
U.S. PRISONER PETITIONS	8.9	8.2	8.2	5.2	8.1	6.8
OTHER U.S. CIVIL	4.3	4.7	4.5	4.4	5.0	5.1
PRIVATE PRISONER PETITIONS	15.3	6.8	17.9	7.4	18.3	9.4
OTHER PRIVATE CIVIL	17.9	24.8	19.0	26.4	20.0	26.9
BANKRUPTCY	1.3	1.5	1.3	1.6	1.4	1.5
ADMINISTRATIVE APPEALS	21.4	13.2	20.2	12.7	17.8	12.6
ORIGINAL PROCEEDINGS	8.4	4.5	6.1	3.5	6.2	3.4

CIRCUIT COMPARISON FOR PENDING CASELOAD



PENDING CASELOAD COMPARISON PERCENT OF TOTAL FROM SEPTEMBER 30, 2006 THROUGH 2008						
	2006		2007		2008	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	25.9	43.5	25.8	43.7	24.7	43.4
U.S. PRISONER PETITIONS	5.9	5.4	5.1	6.1	5.7	5.7
OTHER U.S. CIVIL	4.5	3.6	5.1	4.6	4.9	5.7
PRIVATE PRISONER PETITIONS	12.8	6.7	13.4	6.9	14.3	8.4
OTHER PRIVATE CIVIL	20.0	24.2	21.5	22.6	20.2	21.2
BANKRUPTCY	1.4	2.2	1.6	1.8	1.5	2.3
ADMINISTRATIVE APPEALS	27.6	12.3	25.7	12.4	27.1	11.5
ORIGINAL PROCEEDINGS	17.9	2.1	1.9	1.9	1.6	1.8

FIRST CIRCUIT TYPES OF CASES COMPARED TO NATIONAL AVERAGE

PERCENT OF TOTAL COMMENCED						
	2006		2007		2008	
	National Average	1 st Circuit	National Average	1 st Circuit	National Average	1 st Circuit
CRIMINAL	22.9	35.7	22.5	39.1	22.4	33.4
U.S. PRISONER PETITIONS	8.5	7.0	7.7	5.9	8.5	6.3
OTHER U.S. CIVIL	4.3	4.5	5.0	5.2	4.8	6.1
PRIVATE PRISONER PETITIONS	16.7	6.7	18.8	7.5	19.1	10.4
OTHER PRIVATE CIVIL	18.5	26.9	20.3	25.0	19.1	26.7
BANKRUPTCY	1.2	1.5	1.5	1.3	1.3	1.9
ADMINISTRATIVE APPEALS	19.7	12.9	17.8	12.8	19.0	11.7
ORIGINAL PROCEEDINGS	8.2	4.8	6.5	3.3	5.9	3.4

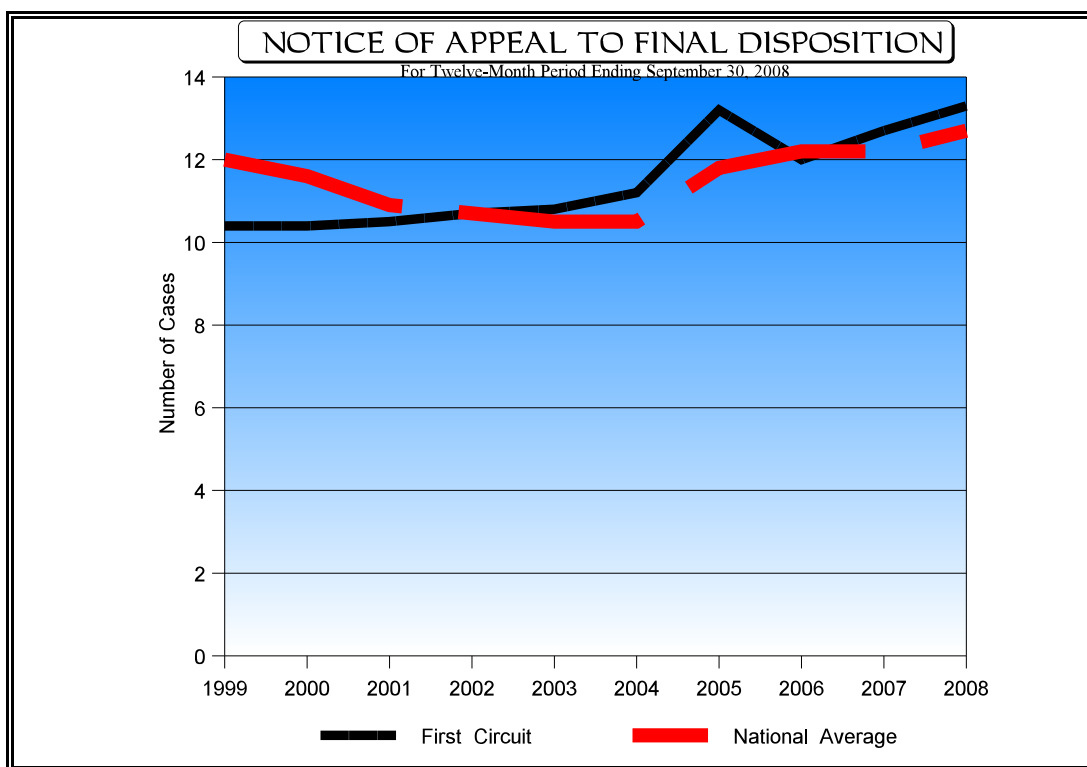
■ NATIONAL AVERAGE

■ FIRST CIRCUIT

UNITED STATES COURT OF APPEALS
 MEDIAN TIME INTERVALS IN MONTHS FOR CASES
 TERMINATED AFTER HEARING OR SUBMISSION,
 BY CIRCUIT DURING THE
 TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2008

	# OF CASES	INTV
TOTAL	21,852	12.7
DISTRICT OF COLUMBIA	385	12.2
FIRST	810	13.3
SECOND	1,477	17.5
THIRD	1,621	14.7
FOURTH	2,108	8.4
FIFTH	3,574	11.3
SIXTH	1,958	14.2
SEVENTH	1,133	12.0
EIGHTH	1,602	11.4
NINTH	3,405	19.4
TENTH	1,277	10.9
ELEVENTH	2,502	9.3

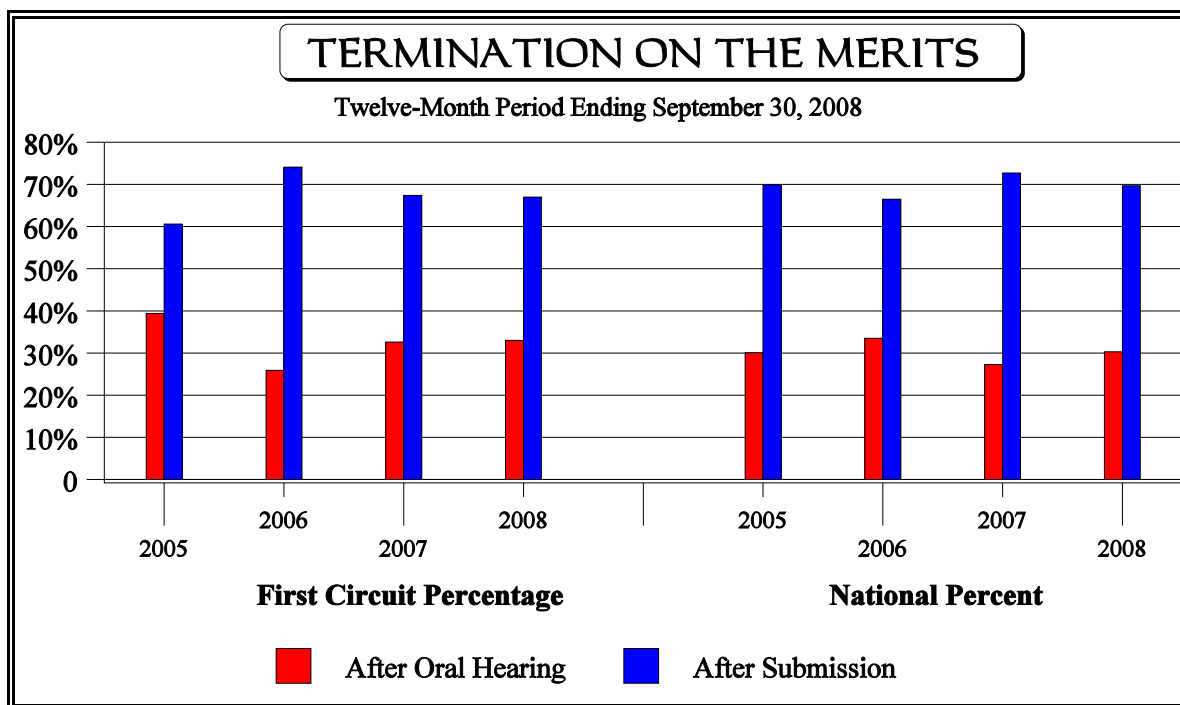
U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION TIME FROM 1999 - 2008



U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARISON 1999 - 2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
FIRST CIRCUIT	10.4	10.4	10.5	10.7	10.8	11.2	13.2	12.0	12.7	13.3
NATIONAL AVERAGE	12.0	11.6	10.9	10.7	10.5	10.5	11.8	12.2	12.2	12.7

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT COMPARED TO THE NATIONAL AVERAGE FOR CASELOAD DISPOSITION 2005 THROUGH 2008



DISPOSITION OF CASELOADS IN PERCENTAGES FIRST CIRCUIT VS. NATIONAL CASELOAD								
FIRST CIRCUIT PERCENTAGES					NATIONAL PERCENTAGES TOTALS			
	2005	2006	2007	2008	2005	2006	2007	2008
AFTER ORAL HEARING	39.4%	25.9%	32.6%	33.0%	30.1%	33.5%	27.3%	30.3%
AFTER SUBMISSION	60.6%	74.1%	67.4%	67.0%	69.9%	66.5%	72.7%	69.7%

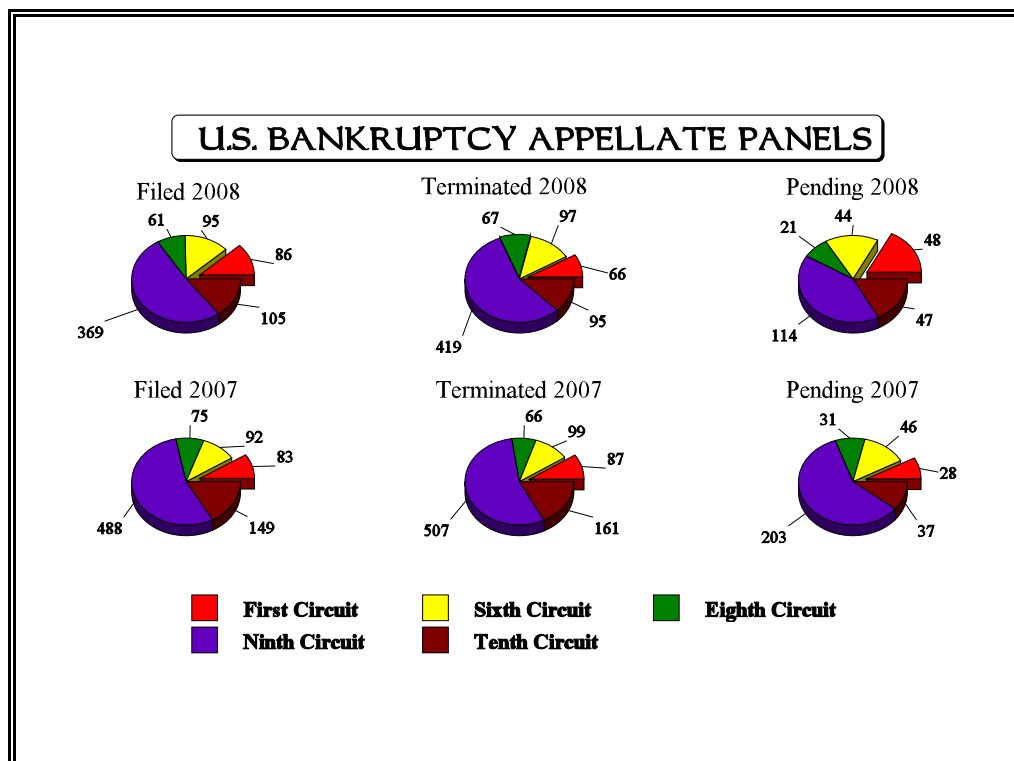
STATISTICS

U.S. BANKRUPTCY

APPELLATE PANELS

U.S. BANKRUPTCY APPELLATE PANELS

APPEALS FILED, TERMINATED AND PENDING BY CIRCUIT



U.S. BANKRUPTCY APPELLATE PANELS DURING THE 12-MONTH PERIODS ENDING SEPTEMBER 30, 2007 AND 2008									
	Filed			Terminated			Pending		
	2007	2008	% Change	2007	2008	% Change	2007*	2008	% Change
FIRST CIRCUIT	83	86	3.6	87	66	-24.1	28	48	71.4
SIXTH CIRCUIT	92	95	3.3	99	97	-2.0	46	44	-4.3
EIGHTH CIRCUIT	75	61	-18.7	66	67	1.5	27	21	-22.2
NINTH CIRCUIT	488	369	-24.4	507	419	-17.4	164	114	-30.5
TENTH CIRCUIT	149	105	-29.5	161	95	-41.0	37	47	27.0
TOTAL	887	716	-19.3	920	744	-19.1	302	274	-9.3

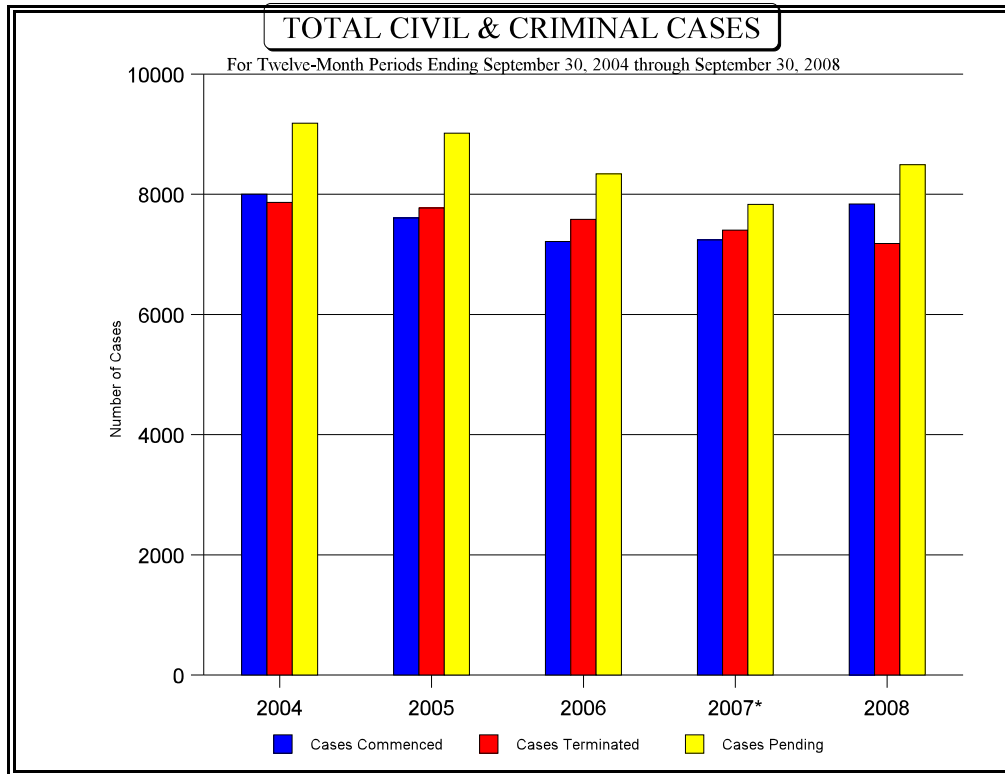
*Total cases pending in 2007 revised by the Administrative Office of the United States Courts.

STATISTICS

FIRST CIRCUIT

DISTRICT COURTS

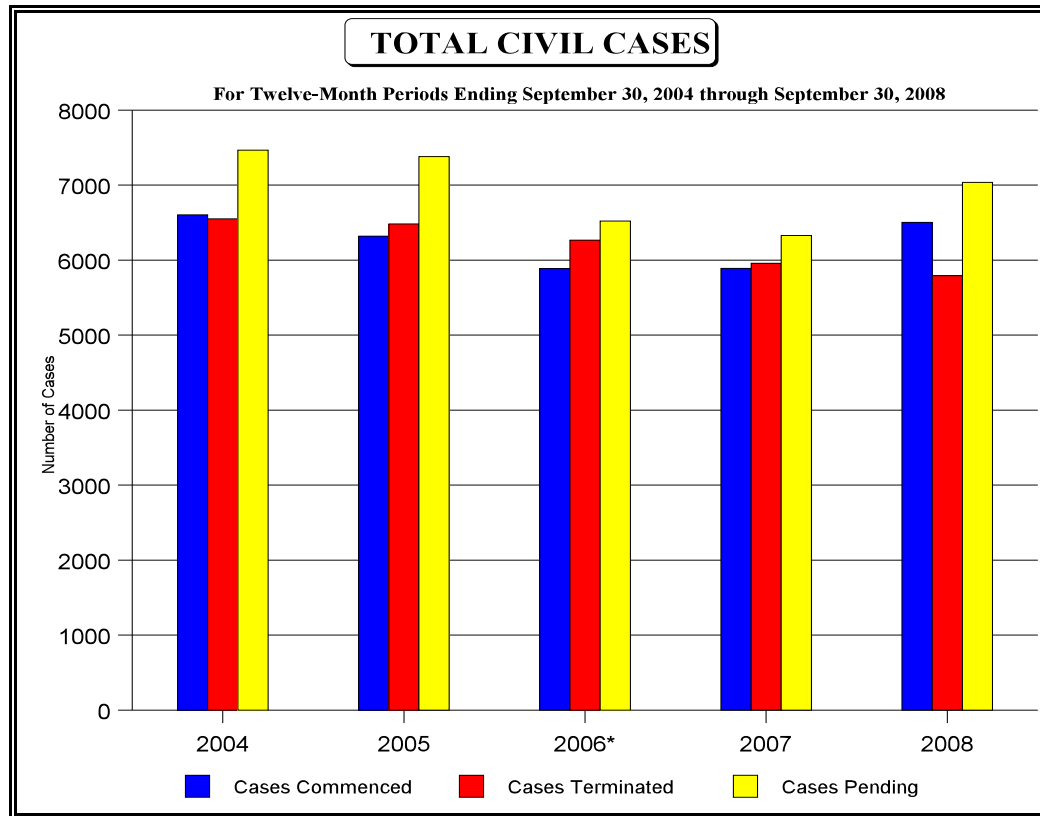
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL & CRIMINAL CASES FROM 2004 THROUGH 2008					
	2004	2005	2006	2007*	2008
CASES COMMENCED	8,002	7,605	7,214	7,242	7,840
CASES TERMINATED	7,866	7,773	7,584	7,403	7,180
CASES PENDING	9,184	9,018	8,341	7,833	8,493

*Pending caseload for 2007 revised by the Administrative Office of the U.S. Courts.

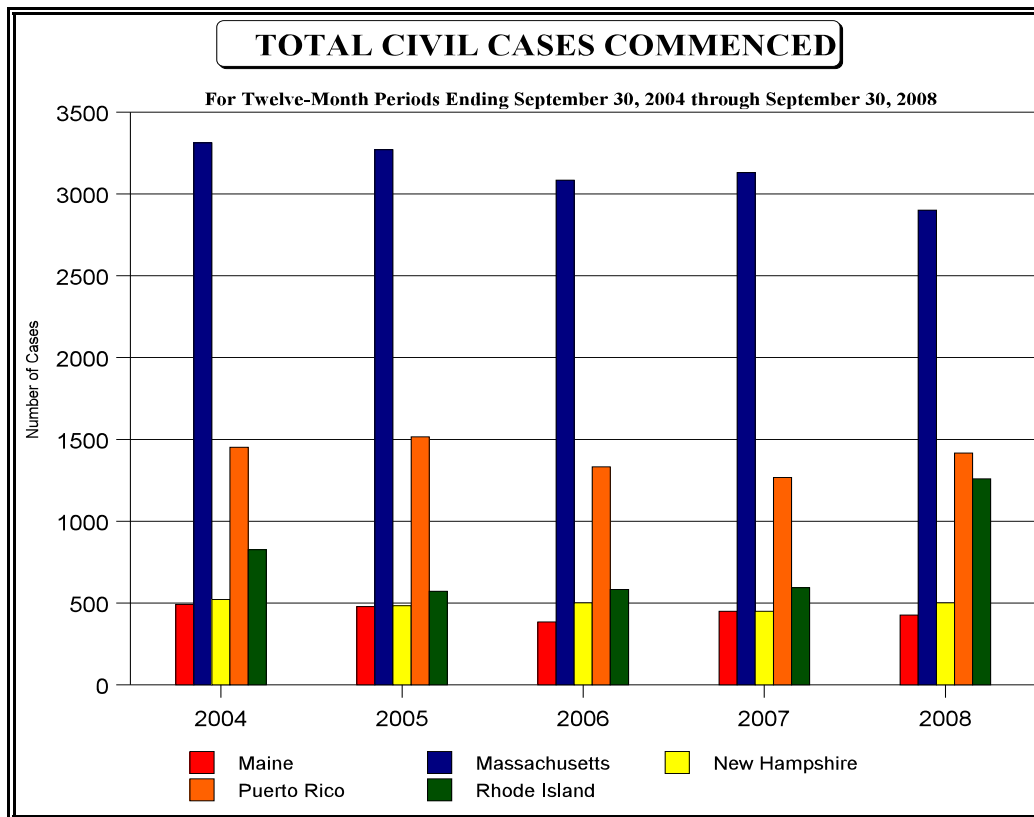
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CIVIL CASES FROM 2004 THROUGH 2008					
	2004	2005	2006	2007*	2008
CASES COMMENCED	6,604	6,319	5,887	5,890	6,504
CASES TERMINATED	6,551	6,483	6,267	5,959	5,794
CASES PENDING	7,467	7,382	6,521	6,328	7,038

*Pending caseload for 2007 revised by the Administrative Office of the U.S. Courts.

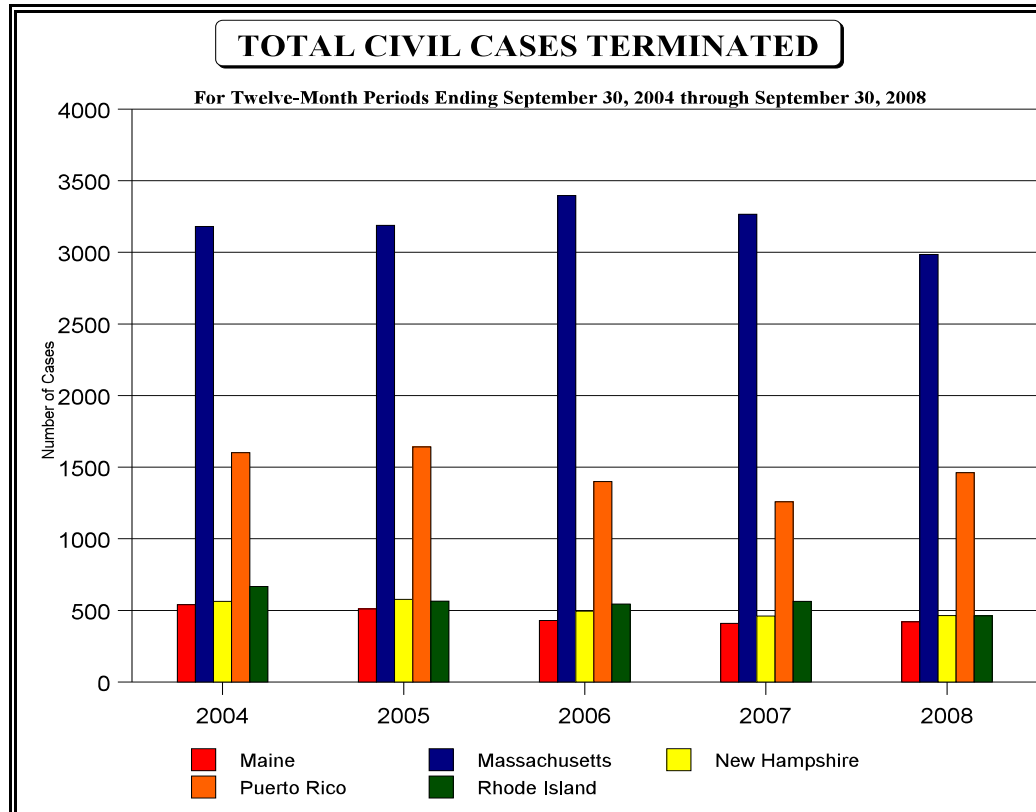
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES COMMENCED FROM 2004 THROUGH 2008

DISTRICTS	2004	2005	2006	2007	2008
MAINE	492	478	385	449	427
MASSACHUSETTS	3,312	3,270	3,085	3,131	2,901
NEW HAMPSHIRE	522	483	501	450	501
PUERTO RICO	1,452	1,516	1,333	1,267	1,416
RHODE ISLAND	826	572	583	593	1,259

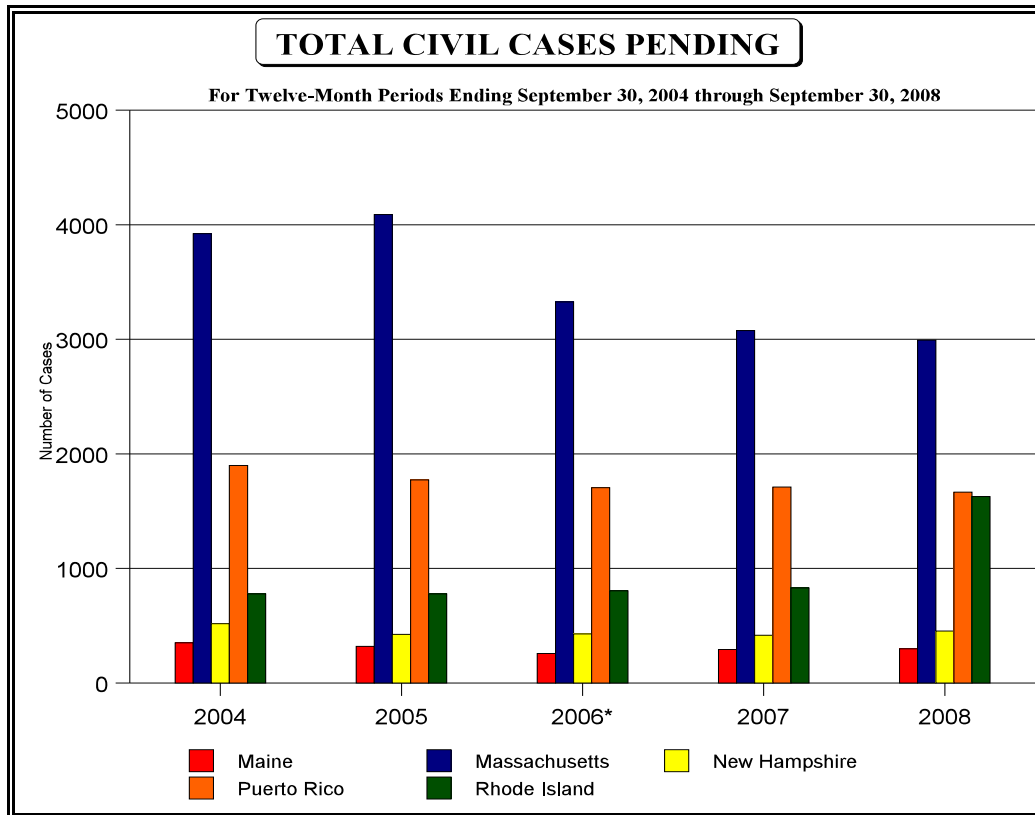
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES TERMINATED FROM 2004 THROUGH 2008

DISTRICTS	2004	2005	2006	2007	2008
MAINE	540	511	430	409	421
MASSACHUSETTS	3,180	3,189	3,397	3,266	2,985
NEW HAMPSHIRE	563	577	495	461	464
PUERTO RICO	1,601	1,641	1,400	1,259	1,461
RHODE ISLAND	667	565	545	564	463

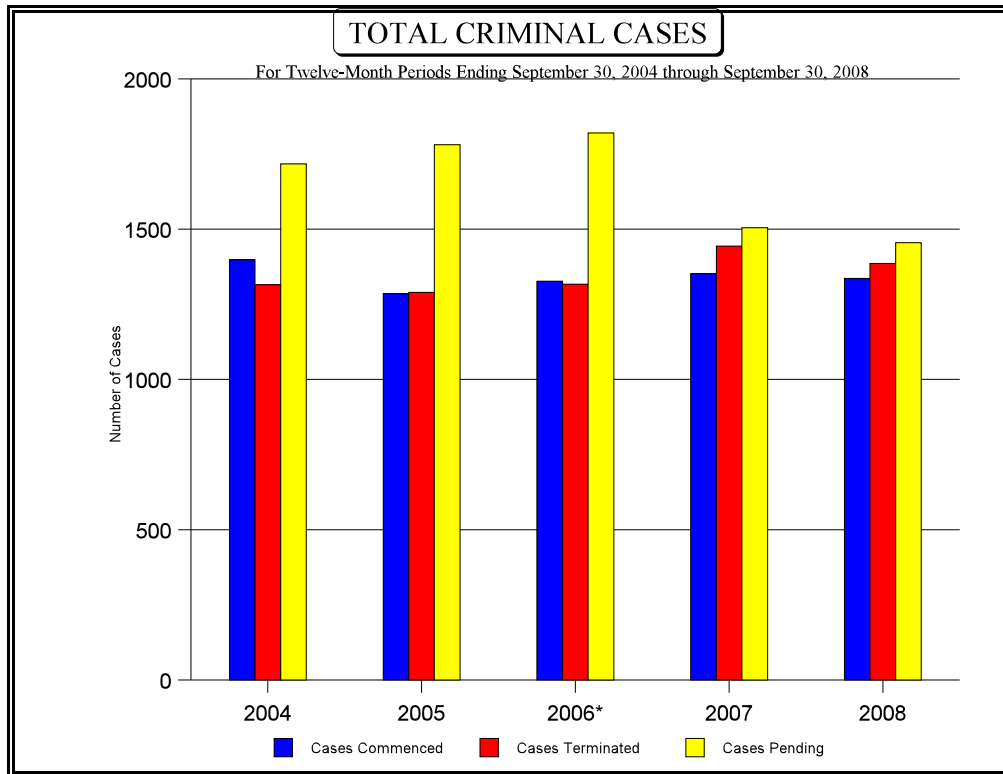
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CIVIL CASES PENDING FROM 2004 THROUGH 2008					
DISTRICTS	2004	2005	2006	2007*	2008
MAINE	352	320	257	293	299
MASSACHUSETTS	3,922	4,088	3,327	3,076	2,992
NEW HAMPSHIRE	518	424	428	417	454
PUERTO RICO	1,898	1,773	1,704	1,711	1,666
RHODE ISLAND	777	777	805	831	1,627

*Total civil cases pending in 2007 revised by the Administrative Office of the United States Courts.

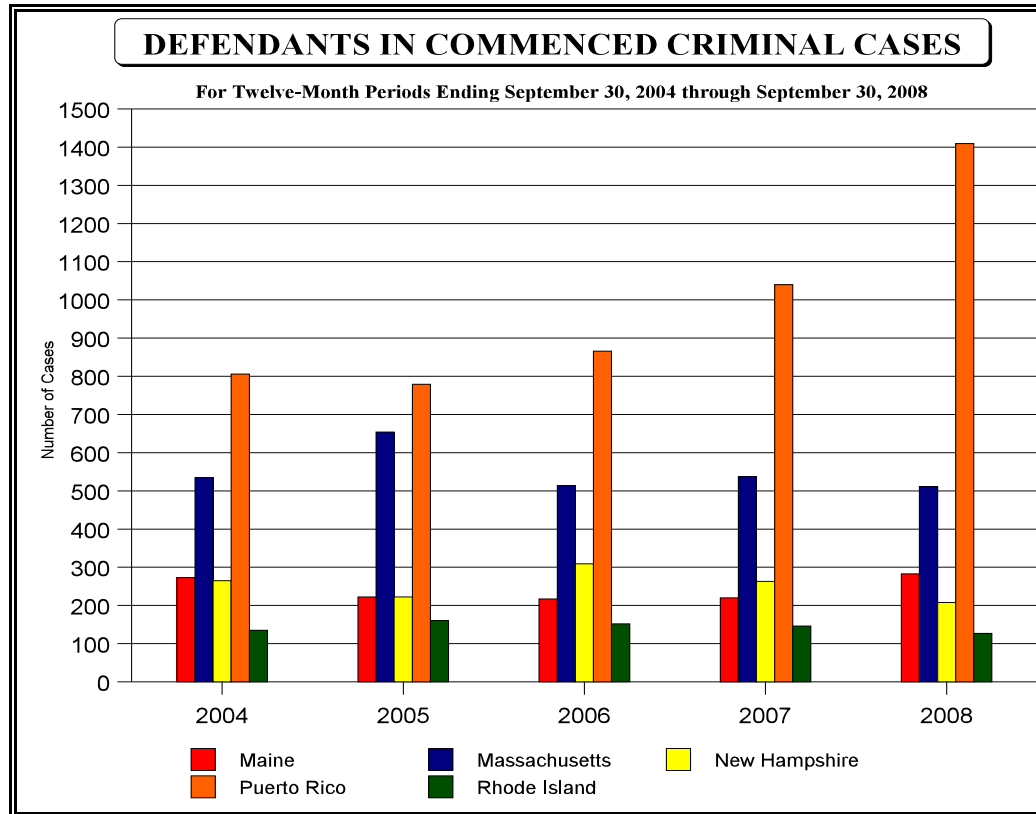
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL CRIMINAL CASES FROM 2004 THROUGH 2008					
	2004	2005	2006	2007*	2008
CASES COMMENCED	1,398	1,286	1,327	1,352	1,336
CASES TERMINATED	1,315	1,290	1,317	1,444	1,386
CASES PENDING	1,717	1,781	1,820	1,505	1,455

*Total criminal cases pending in 2007 revised by the Administrative Office of the United States Courts.

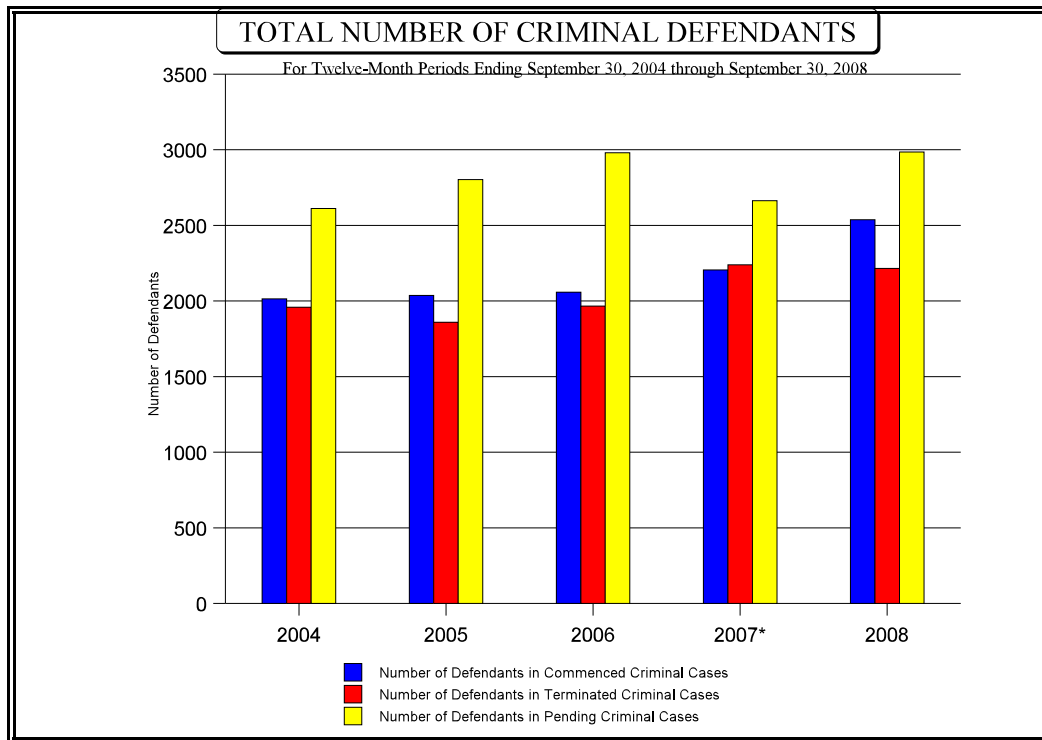
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN COMMENCED CRIMINAL CASES FROM 2004 THROUGH 2008					
DISTRICTS	2004	2005	2006	2007*	2008
MAINE	273	222	217	220	283
MASSACHUSETTS	535	654	514	537	511
NEW HAMPSHIRE	265	222	309	263	208
PUERTO RICO	806	779	866	1,040	1,409
RHODE ISLAND	135	160	152	146	127

*Total number of defendants in pending criminal cases in 2007 revised by the Administrative Office of the United States Courts.

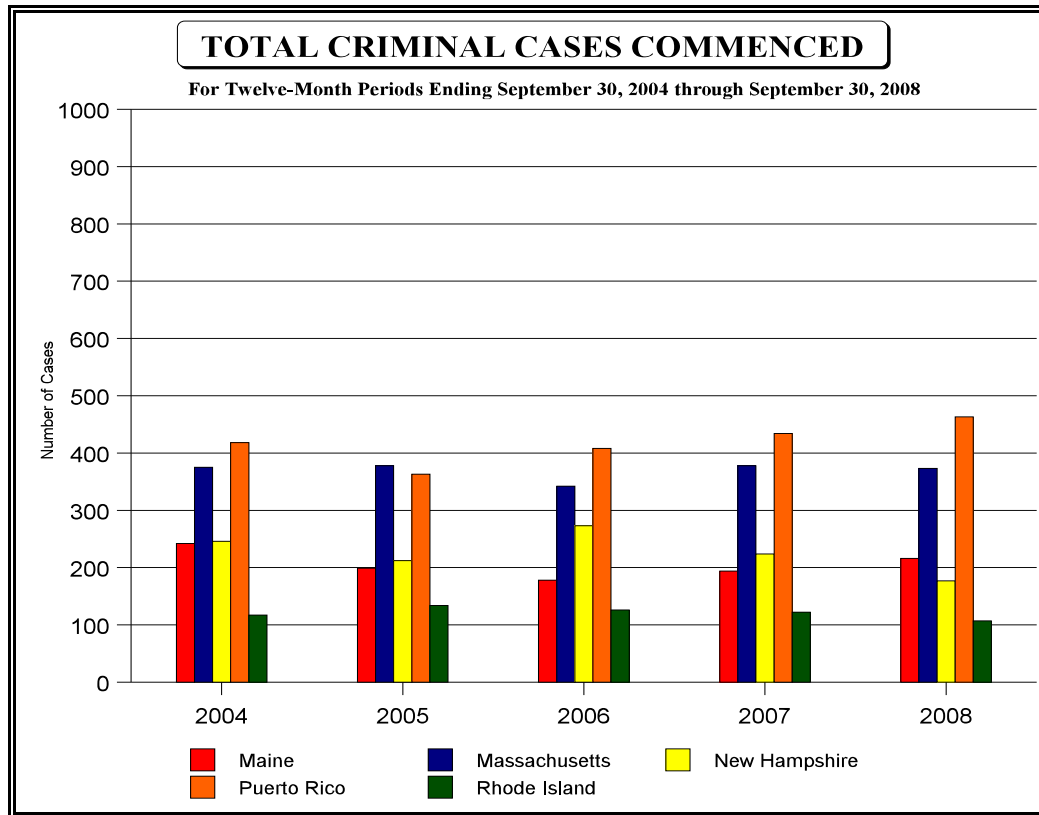
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



TOTAL NUMBER OF CRIMINAL DEFENDANTS FROM 2004 THROUGH 2008					
	2004	2005	2006	2007*	2008
NUMBER OF DEFENDANTS IN COMMENCED CRIMINAL CASES	2,014	2,037	2,058	2,206	2,538
NUMBER OF DEFENDANTS IN TERMINATED CRIMINAL CASES	1,959	1,859	1,967	2,239	2,216
NUMBER OF DEFENDANTS IN PENDING CRIMINAL CASES	2,612	2,803	2,981	2,663	2,985

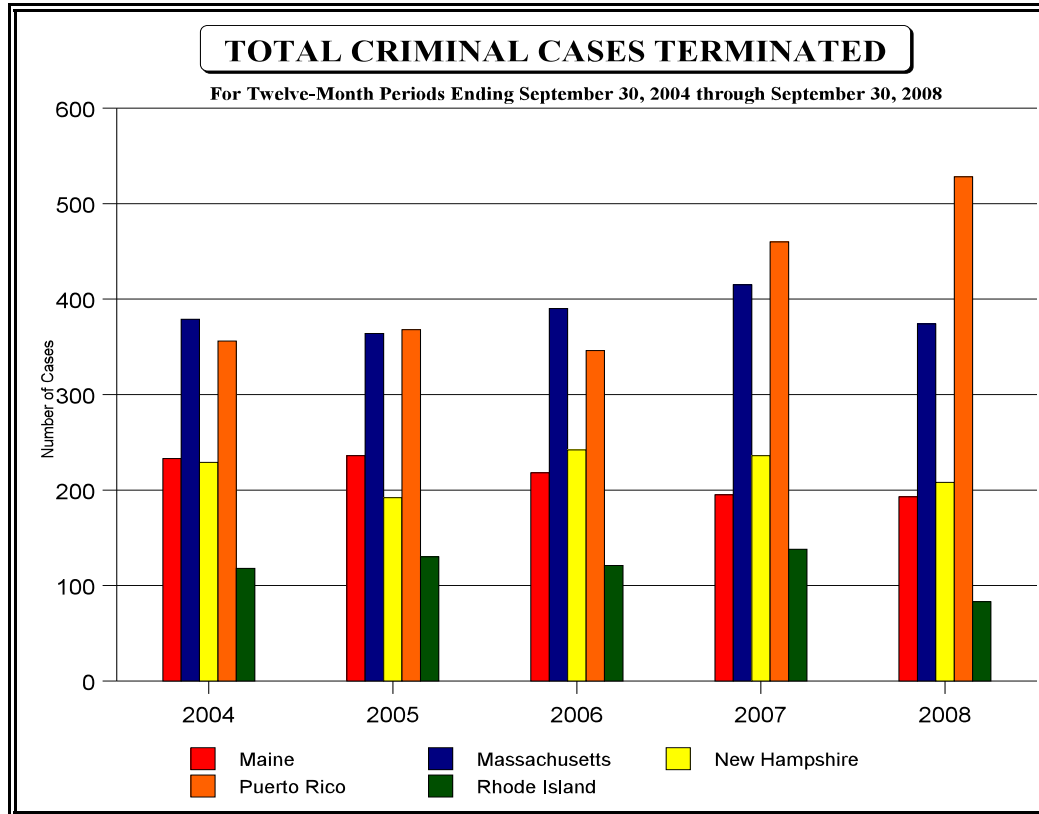
* Total number of defendants in pending criminal cases in 2007 revised by the Administrative office of the United States Courts.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES COMMENCED FROM 2004 THROUGH 2008					
DISTRICTS	2004	2005	2006	2007	2008
MAINE	242	199	178	194	216
MASSACHUSETTS	375	378	342	378	373
NEW HAMPSHIRE	246	212	273	224	177
PUERTO RICO	418	363	408	434	463
RHODE ISLAND	117	134	126	122	107

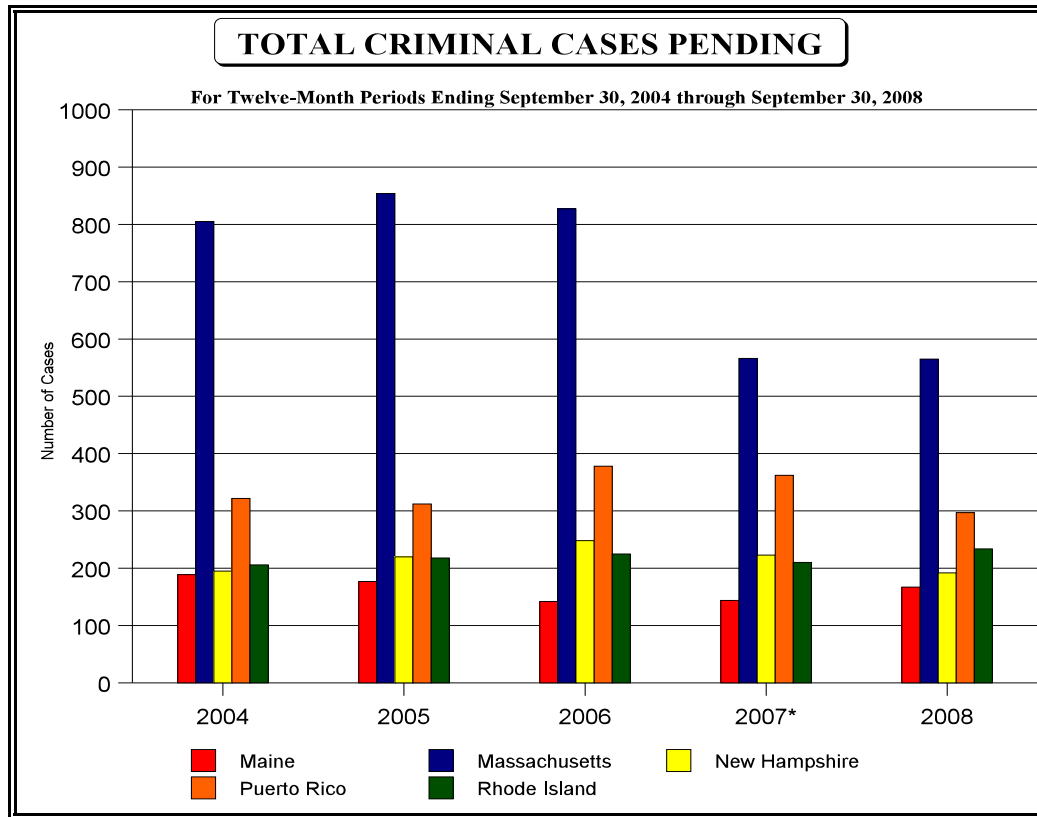
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES TERMINATED FROM 2004 THROUGH 2008

DISTRICTS	2004	2005	2006	2007	2008
MAINE	233	236	218	195	193
MASSACHUSETTS	379	364	390	415	374
NEW HAMPSHIRE	229	192	242	236	208
PUERTO RICO	356	368	346	460	528
RHODE ISLAND	118	130	121	138	83

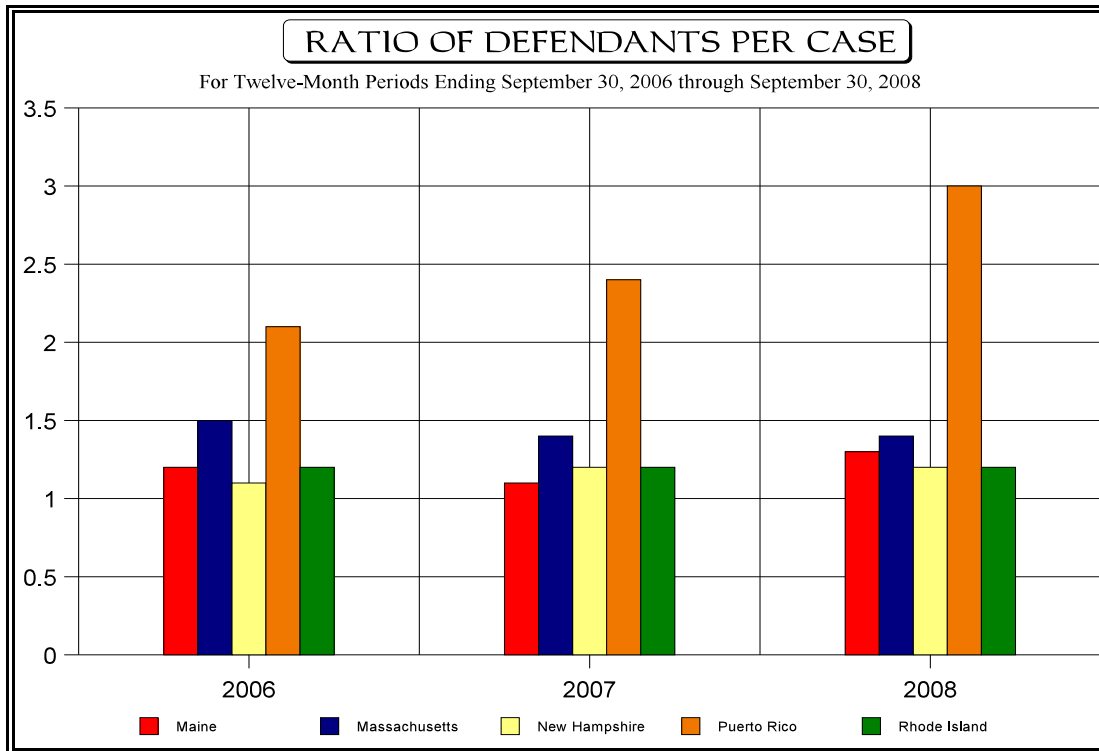
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



CRIMINAL CASES PENDING FROM 2004 THROUGH 2008					
DISTRICTS	2004	2005	2006	2007*	2008
MAINE	189	177	142	144	167
MASSACHUSETTS	805	854	827	566	565
NEW HAMPSHIRE	195	220	248	223	192
PUERTO RICO	322	312	378	362	297
RHODE ISLAND	206	218	225	210	234

* Criminal cases pending in 2007 revised by the Administrative Office of the United States Courts.

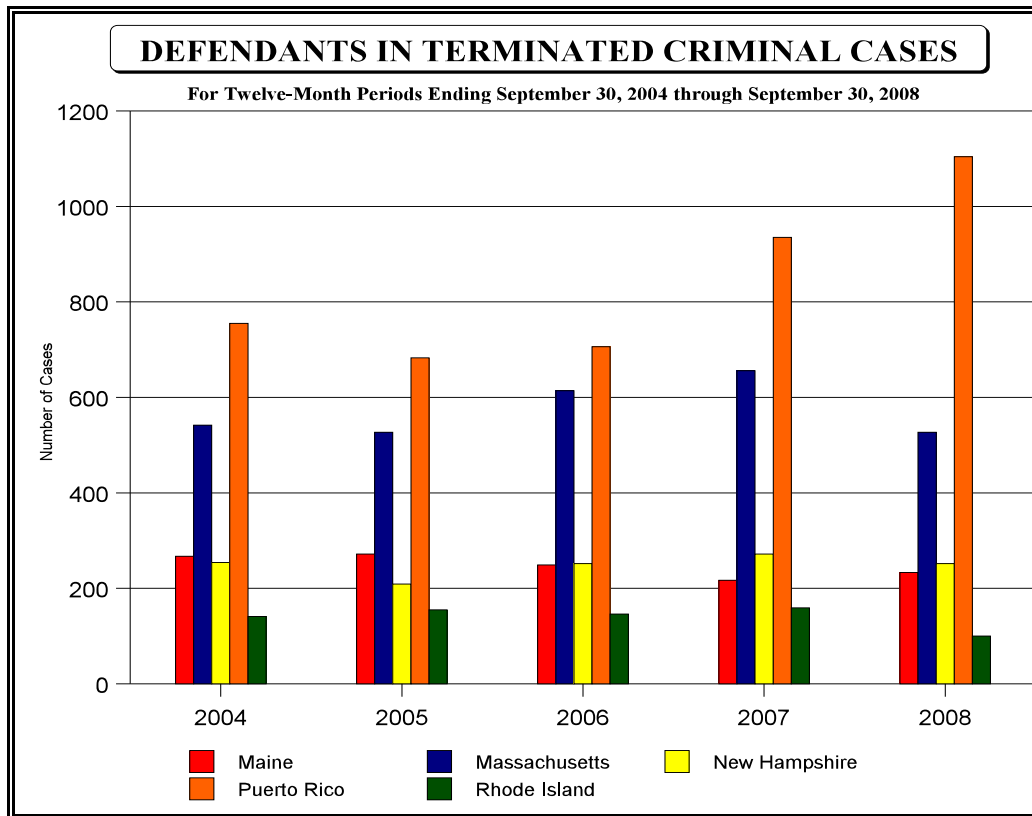
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



NUMBER OF CRIMINAL CASES FILED AND RATIO OF DEFENDANTS PER CASE 2006-2008

	<u>2006</u>		Average Number of Defs. per case	<u>2007</u>		Average Number of Defs. per case	<u>2008</u>		Average Number of Defs. per case
	Cases	Def.		Cases	Def.		Cases	Def.	
MAINE	178	217	1.2	194	220	1.1	216	283	1.3
MASSACHUSETTS	342	514	1.5	378	537	1.4	373	511	1.4
NEW HAMPSHIRE	273	309	1.1	224	263	1.2	177	208	1.2
PUERTO RICO	408	866	2.1	434	1,040	2.4	463	1,409	3.0
RHODE ISLAND	126	152	1.2	122	146	1.2	107	127	1.2

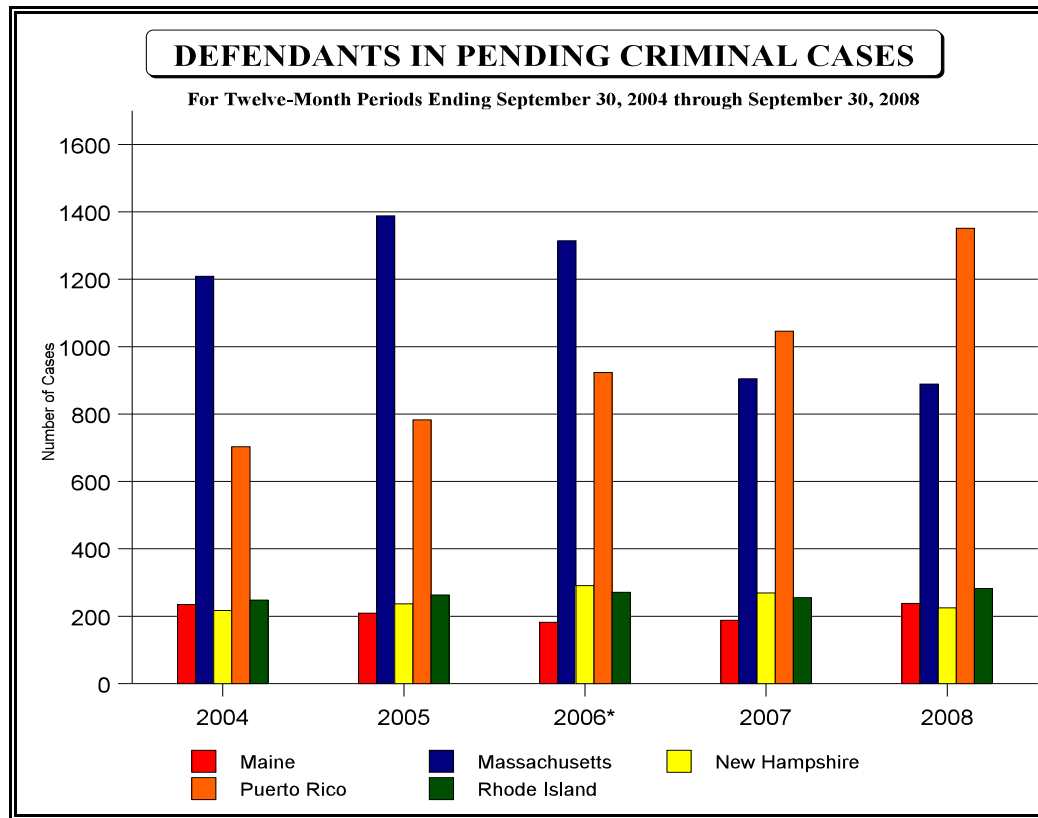
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN TERMINATED CRIMINAL CASES FROM 2004 THROUGH 2008

DISTRICTS	2004	2005	2006	2007	2008
MAINE	267	272	249	217	233
MASSACHUSETTS	542	527	614	656	527
NEW HAMPSHIRE	254	209	252	272	252
PUERTO RICO	755	683	706	935	1,104
RHODE ISLAND	141	155	146	159	100

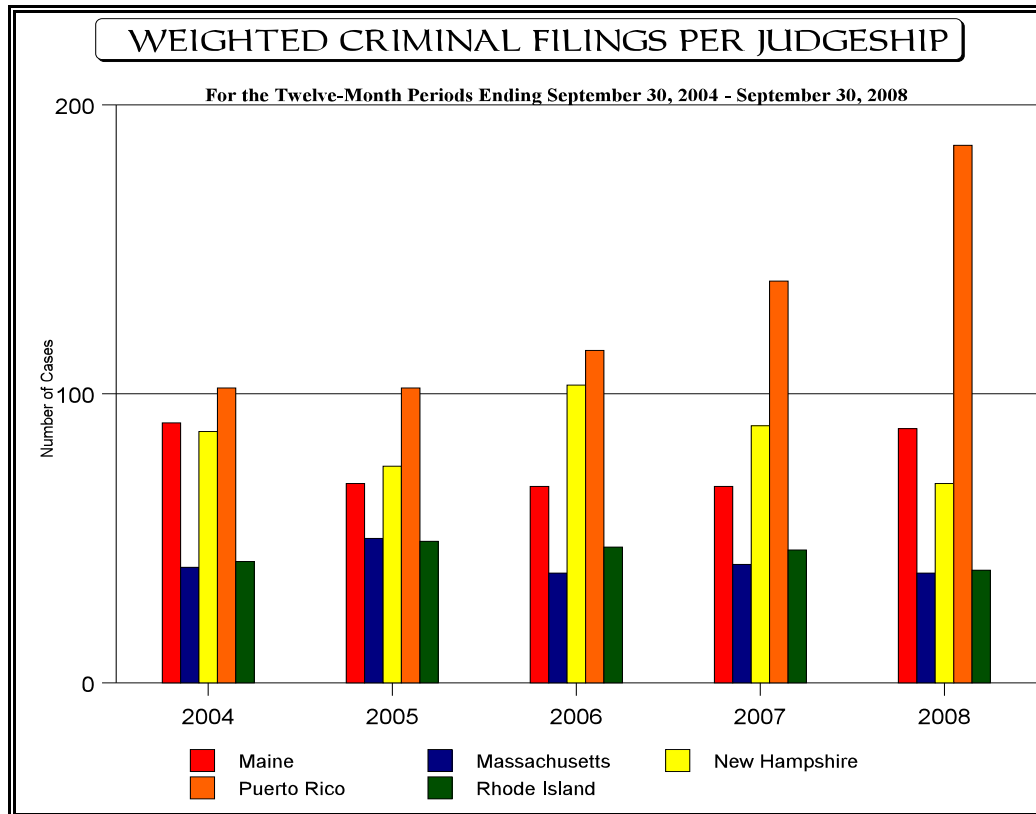
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



DEFENDANTS IN PENDING CRIMINAL CASES FROM 2004 THROUGH 2008					
DISTRICTS	2004	2005	2006	2007*	2008
MAINE	235	209	182	188	238
MASSACHUSETTS	1,209	1,388	1,314	905	889
NEW HAMPSHIRE	217	237	291	269	225
PUERTO RICO	703	783	923	1,046	1,351
RHODE ISLAND	248	263	271	255	282

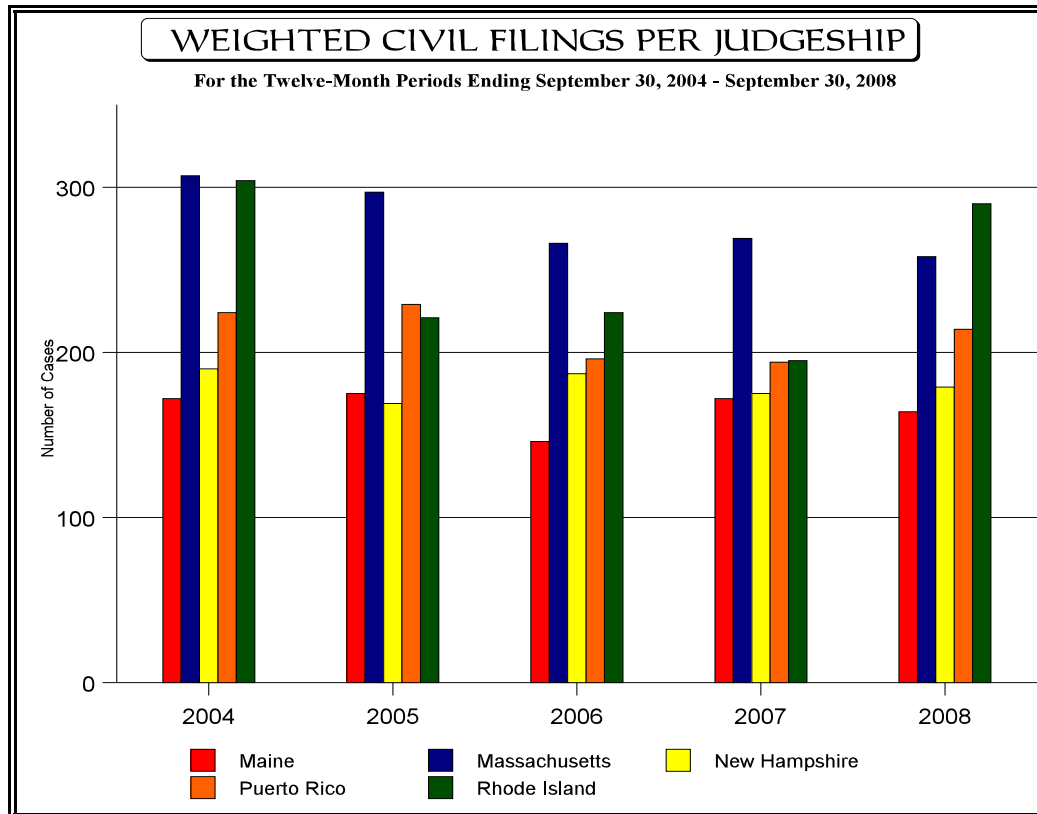
* Total number of defendants in pending criminal cases in 2007 revised by the Administrative Office of the United States Courts.

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



WEIGHTED CRIMINAL FILINGS PER JUDGESHIP FROM 2004 THROUGH 2008						
DISTRICTS	JUDGESHIPS	2004	2005	2006	2007	2008
MAINE	3	90	69	68	68	88
MASSACHUSETTS	13	40	50	38	41	38
NEW HAMPSHIRE	3	87	75	103	89	69
PUERTO RICO	7	102	102	115	139	186
RHODE ISLAND	3	42	49	47	46	39

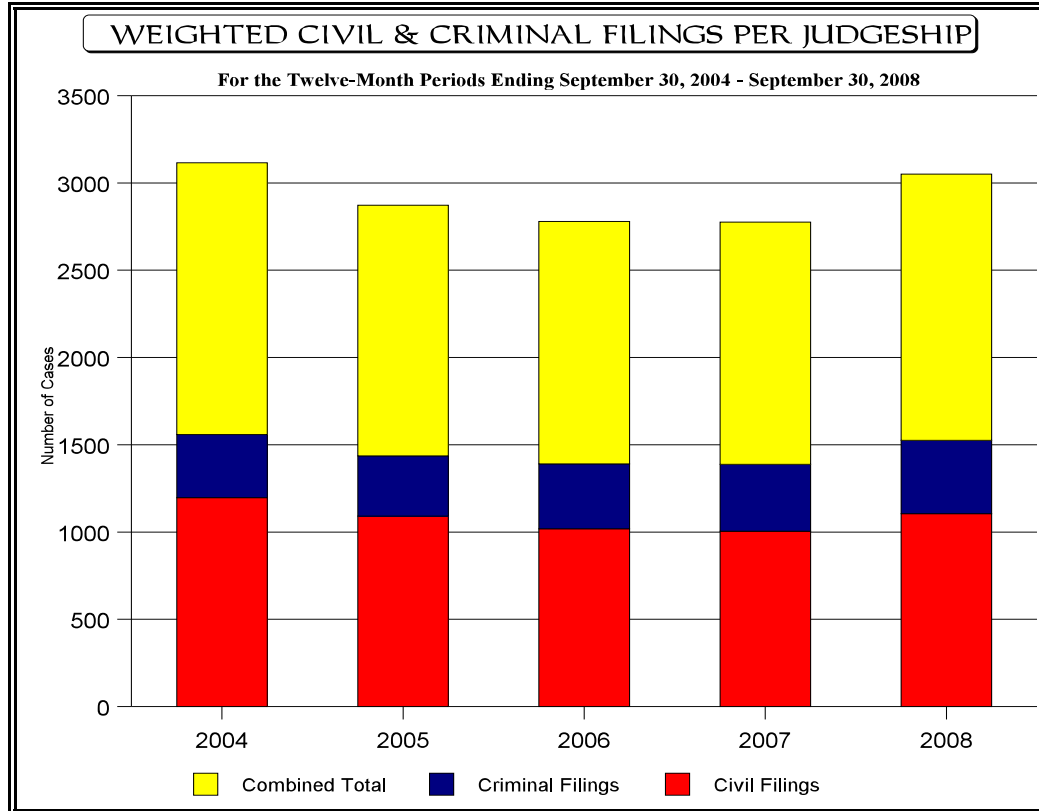
TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



WEIGHTED CIVIL FILINGS PER JUDGESHIP FROM 2004 THROUGH 2008

DISTRICTS	JUDGESHIPS	2004	2005	2006	2007	2008
MAINE	3	172	175	146	172	164
MASSACHUSETTS	13	307	297	266	269	258
NEW HAMPSHIRE	3	190	169	187	175	179
PUERTO RICO	7	224	229	196	194	214
RHODE ISLAND	3	304	221	224	195	290

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



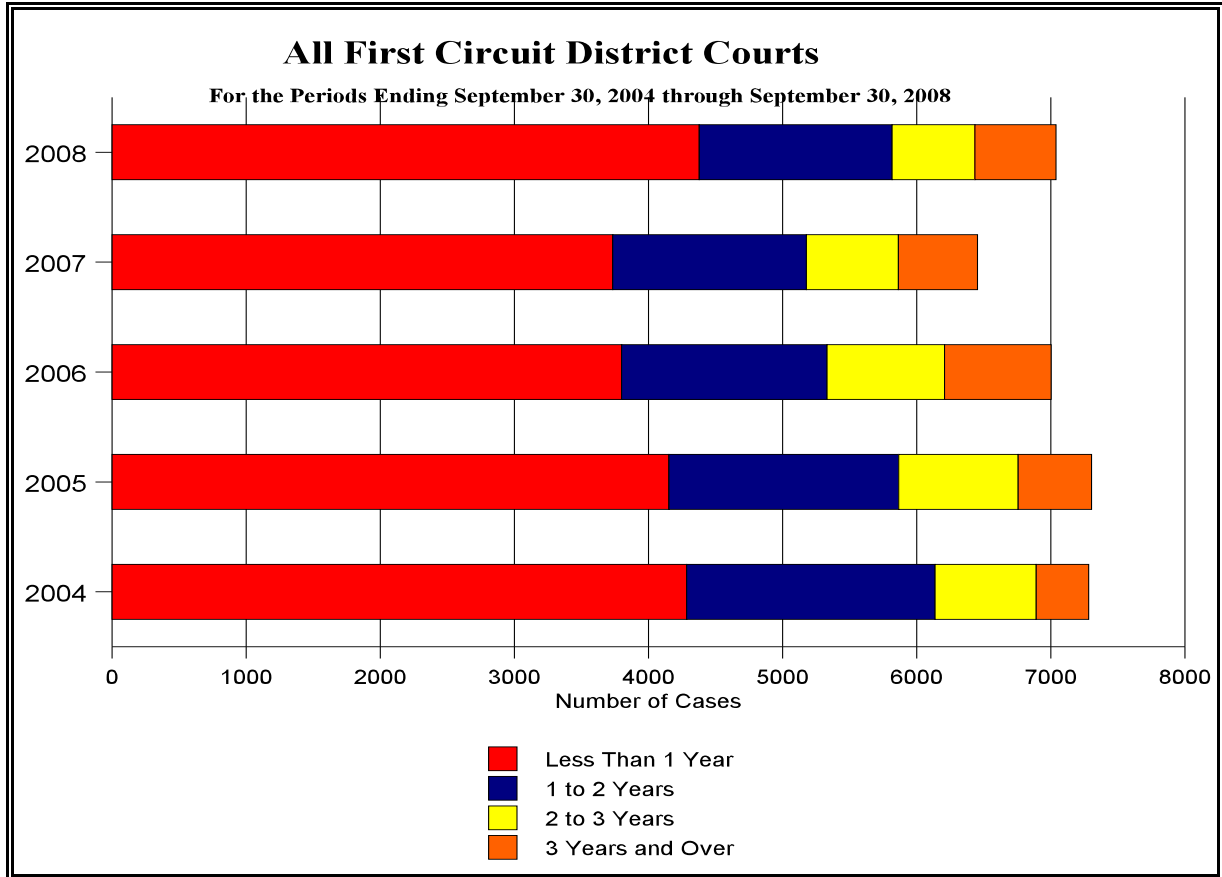
WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP WEIGHTED CIVIL & CRIMINAL FILINGS PER JUDGESHIP FROM 2004 THROUGH 2008

	2004	2005	2006	2007	2008
CIVIL FILINGS	1,197	1,091	1,019	1,005	1,105
CRIMINAL FILINGS	361	345	371	383	420
COMBINED TOTAL	1,558	1,436	1,390	1,388	1,525

COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

CIVIL CASES PENDING AND LENGTH OF TIME PENDING FOR THE PERIODS ENDING SEPTEMBER 30, 2004 THROUGH SEPTEMBER 30, 2008					
	2004	2005	2006	2007	2008
DISTRICT OF MAINE					
LESS THAN 1 YEAR	269	255	205	256	246
1 TO 2 YEARS	39	33	38	25	41
2 TO 3 YEARS	12	12	9	11	4
3 YEARS AND OVER	13	19	23	5	8
DISTRICT OF MASSACHUSETTS					
LESS THAN 1 YEAR	1,971	2,227	1,970	1,867	1,749
1 TO 2 YEARS	1,136	833	841	751	710
2 TO 3 YEARS	439	625	388	395	336
3 YEARS AND OVER	215	318	577	179	197
DISTRICT OF NEW HAMPSHIRE					
LESS THAN 1 YEAR	338	273	304	286	318
1 TO 2 YEARS	127	83	87	99	100
2 TO 3 YEARS	43	39	26	20	23
3 YEARS AND OVER	10	29	13	12	13
DISTRICT OF PUERTO RICO					
LESS THAN 1 YEAR	1,104	1,009	956	925	968
1 TO 2 YEARS	440	433	425	461	389
2 TO 3 YEARS	221	186	178	198	210
3 YEARS AND OVER	129	145	147	128	99
DISTRICT OF RHODE ISLAND					
LESS THAN 1 YEAR	603	387	365	398	1,098
1 TO 2 YEARS	109	333	141	109	197
2 TO 3 YEARS	41	28	274	63	44
3 YEARS AND OVER	24	36	35	264	288

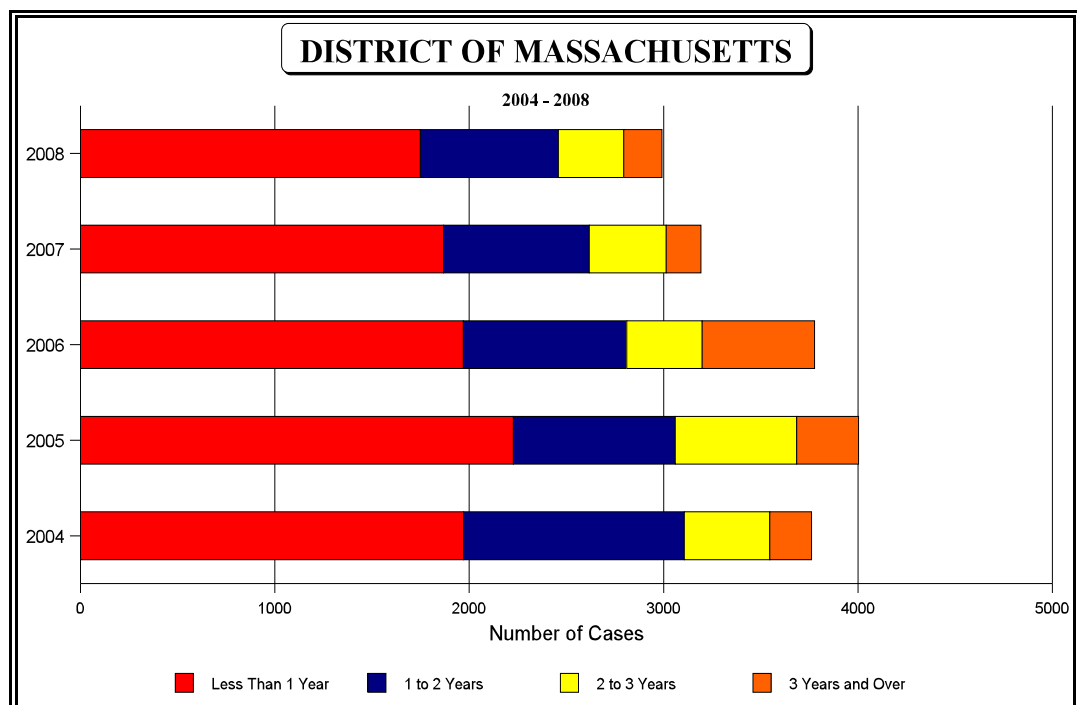
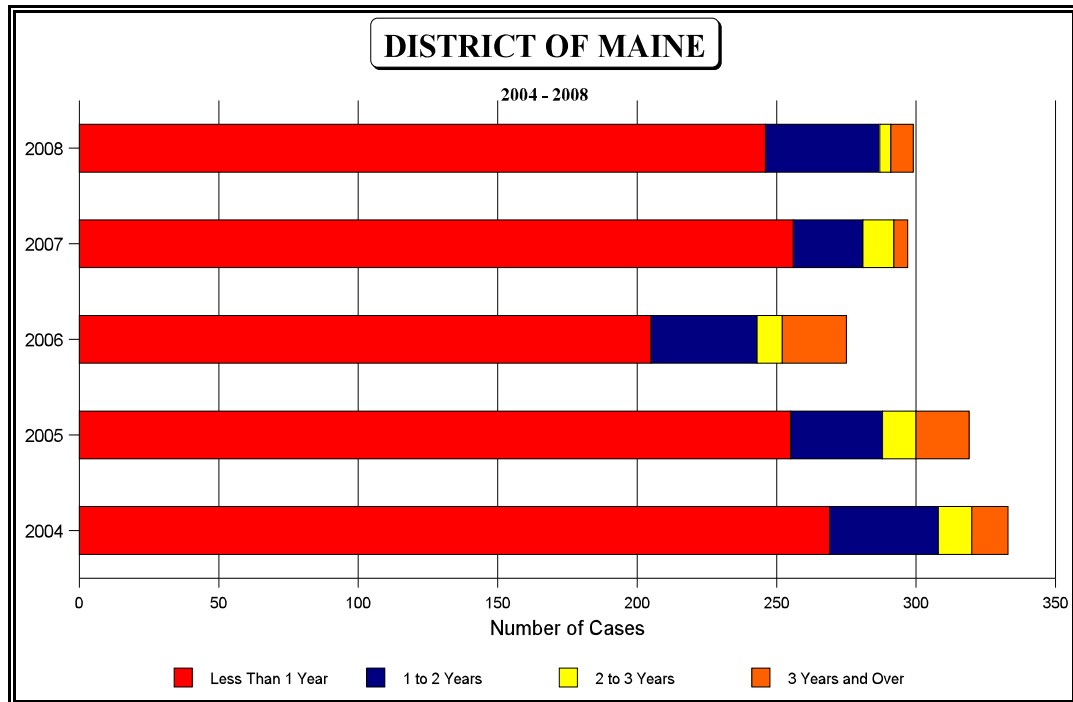
COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



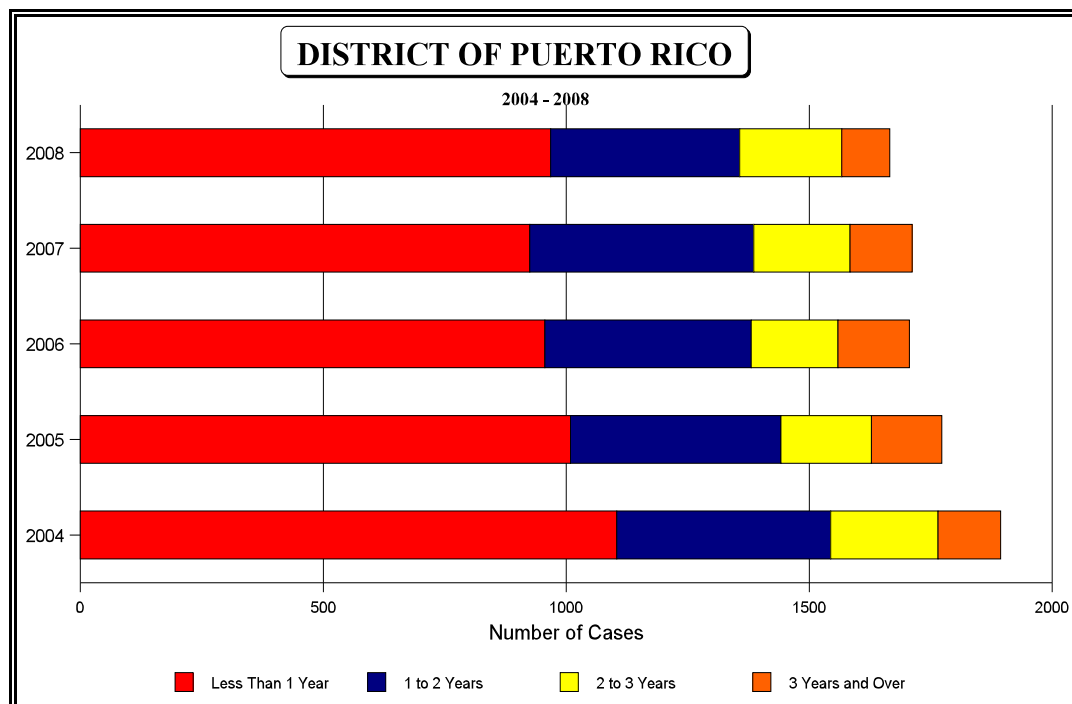
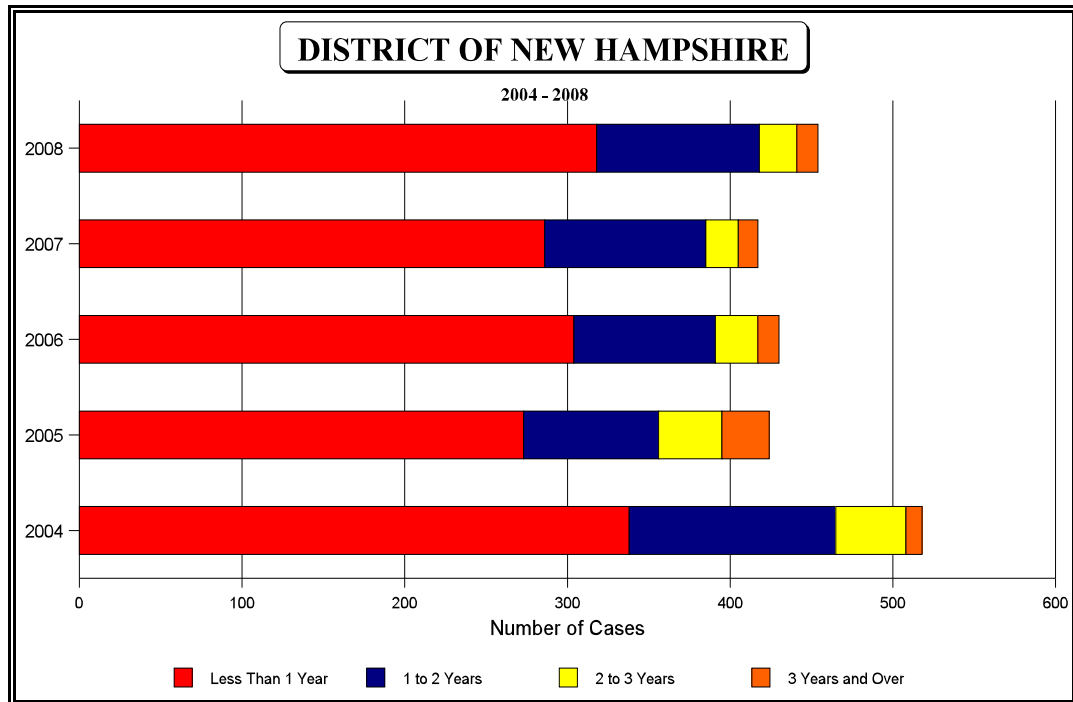
CIVIL CASES PENDING AND LENGTH FROM 2004 THROUGH 2008

	2004	2005	2006	2007	2008
LESS THAN 1 YEAR	4,285 (58.8%)	4,151 (56.8%)	3,800 (54.3%)	3,732 (57.8%)	4,379 (62.2%)
1 TO 2 YEARS	1,851 (25.4%)	1,715 (23.5%)	1,532 (21.9%)	1,445 (22.4%)	1,437 (20.4%)
2 TO 3 YEARS	756 (10.4%)	890 (12.2%)	875 (12.5%)	687 (10.7%)	617 (8.8%)
3 YEARS AND OVER	391 (5.4%)	547 (7.5%)	795 (11.4%)	588 (9.1%)	605 (8.6%)

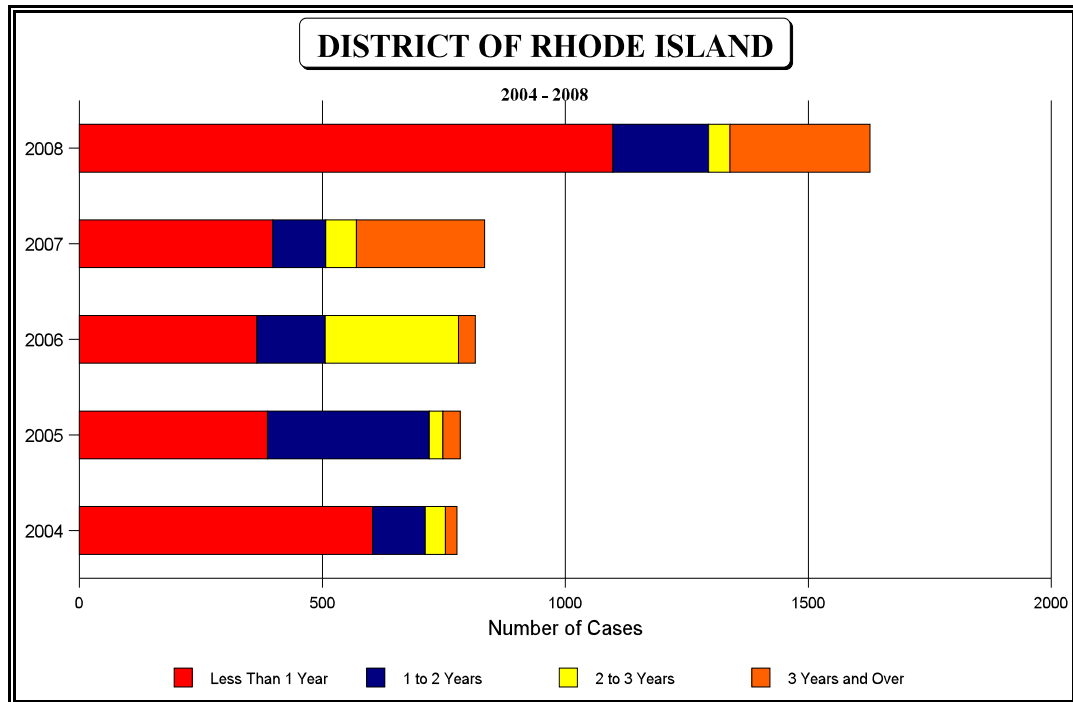
COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME

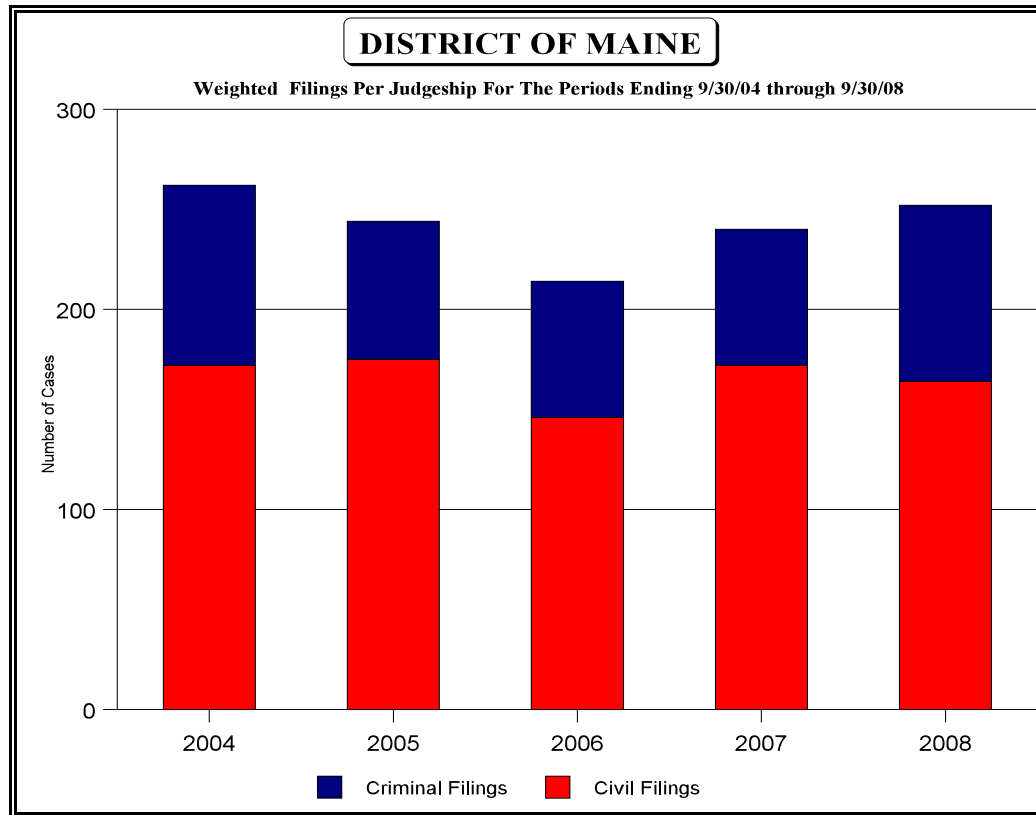


COMPARATIVE NUMBER OF CIVIL CASES PENDING FOR RESPECTIVE LENGTHS OF TIME



STATISTICS
DISTRICT OF MAINE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of Maine Authorized Judgeships

1789 • 1

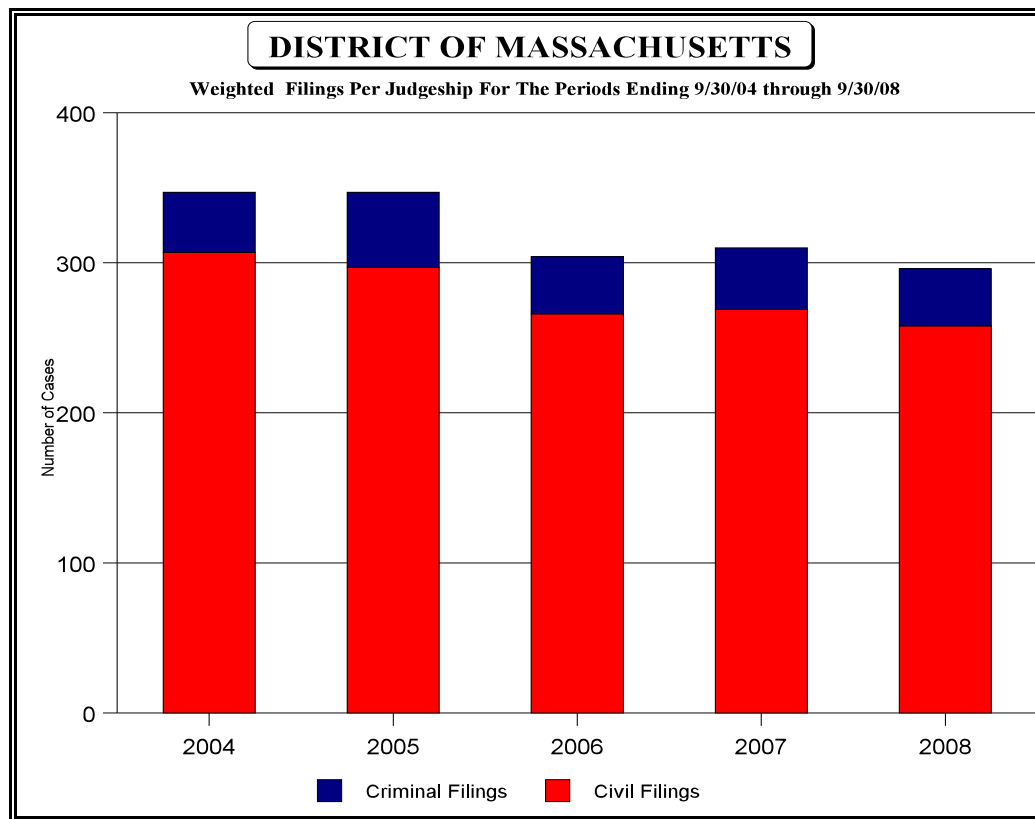
1978 • 2

1990 • 3

DISTRICT OF MAINE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2004 - 2008					
	2004	2005	2006	2007	2008
CIVIL FILINGS	172	175	146	172	164
CRIMINAL FILINGS	90	69	68	68	88
TOTAL FILINGS	262	244	214	240	252

STATISTICS
DISTRICT OF
MASSACHUSETTS

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of Massachusetts Authorized Judgeships

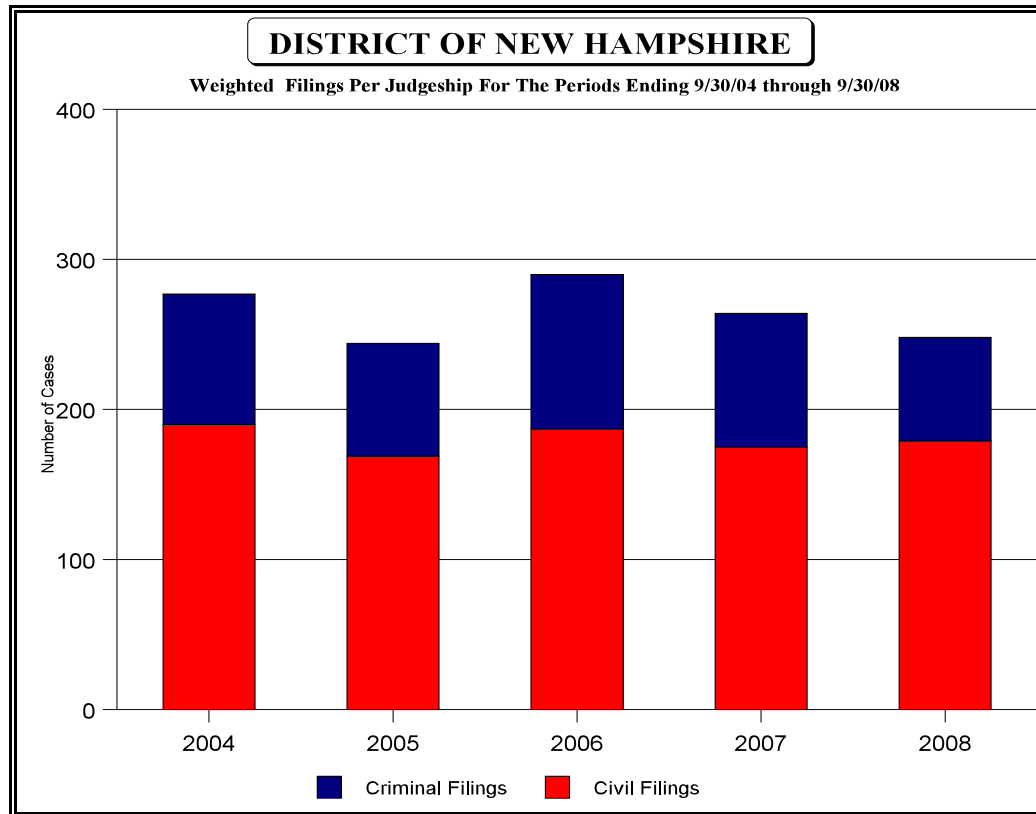
1789 • 1	1922 • 2	1938 • 4	1938 • 4
1961 • 6	1978 • 10	1984 • 12	1990 • 13

DISTRICT OF MASSACHUSETTS WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2004 - 2008

	2004	2005	2006	2007	2008
CIVIL FILINGS	307	297	266	269	258
CRIMINAL FILINGS	40	50	38	41	38
TOTAL FILINGS	347	347	304	310	296

STATISTICS
DISTRICT OF
NEW HAMPSHIRE

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of New Hampshire Authorized Judgeships

1789 • 1

1978 • 2

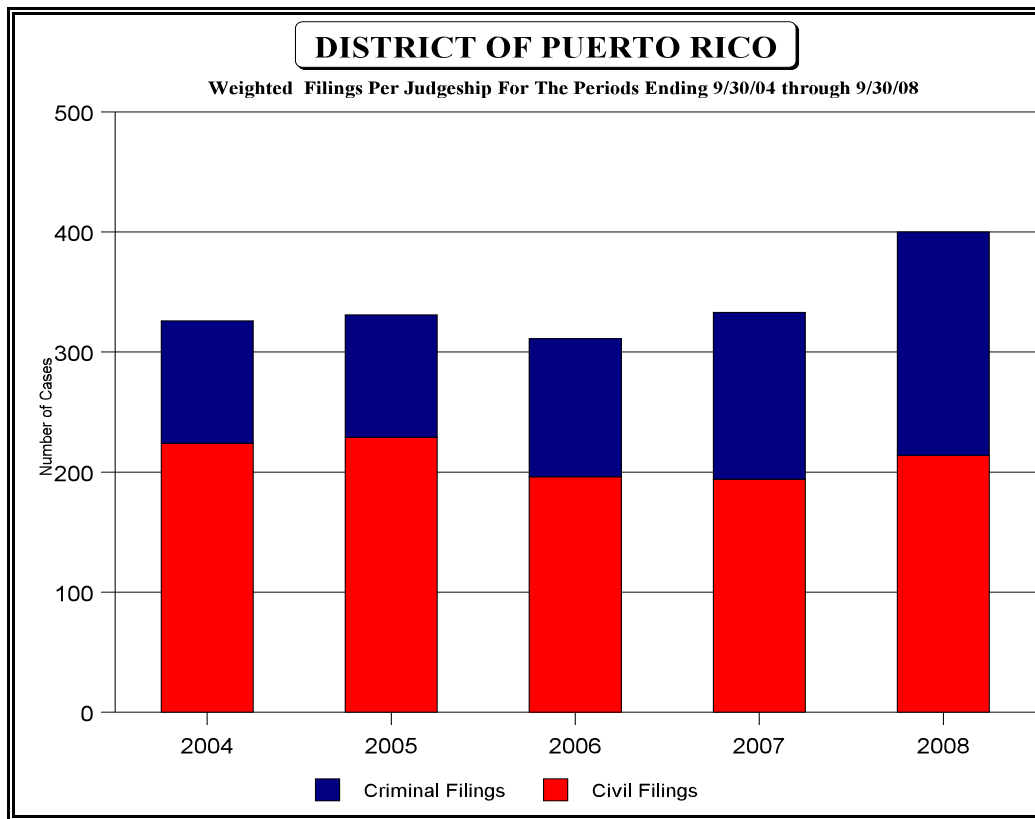
1990 • 3

DISTRICT OF NEW HAMPSHIRE WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2004 - 2008

	2004	2005	2006	2007	2008
CIVIL FILINGS	190	169	187	175	179
CRIMINAL FILINGS	87	75	103	89	69
TOTAL FILINGS	277	244	290	264	248

STATISTICS
DISTRICT OF
PUERTO RICO

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of Puerto Rico Authorized Judgeships

1917 • 1

1961 • 2

1970 • 3

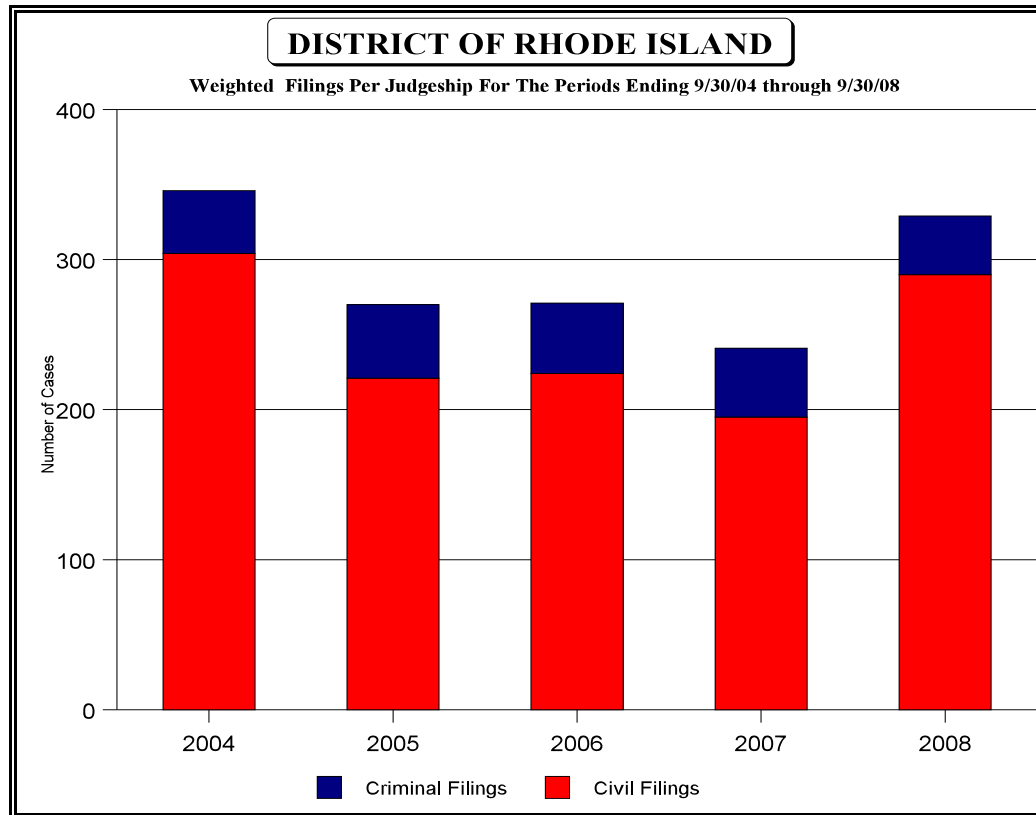
1978 • 7

DISTRICT OF PUERTO RICO WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2004 - 2008

	2004	2005	2006	2007	2008
CIVIL FILINGS	224	229	196	194	214
CRIMINAL FILINGS	102	102	115	139	186
TOTAL FILINGS	326	331	311	333	400

STATISTICS
DISTRICT OF
RHODE ISLAND

TOTAL CASELOAD COMPARISON FIRST CIRCUIT DISTRICT COURTS



United States District Court for the District of Rhode Island Authorized Judgeships

1790 • 1

1966 • 2

1984 • 3

DISTRICT OF RHODE ISLAND WEIGHTED FILINGS PER JUDGESHIP FOR THE PERIOD ENDING SEPTEMBER 30, 2004 - 2008

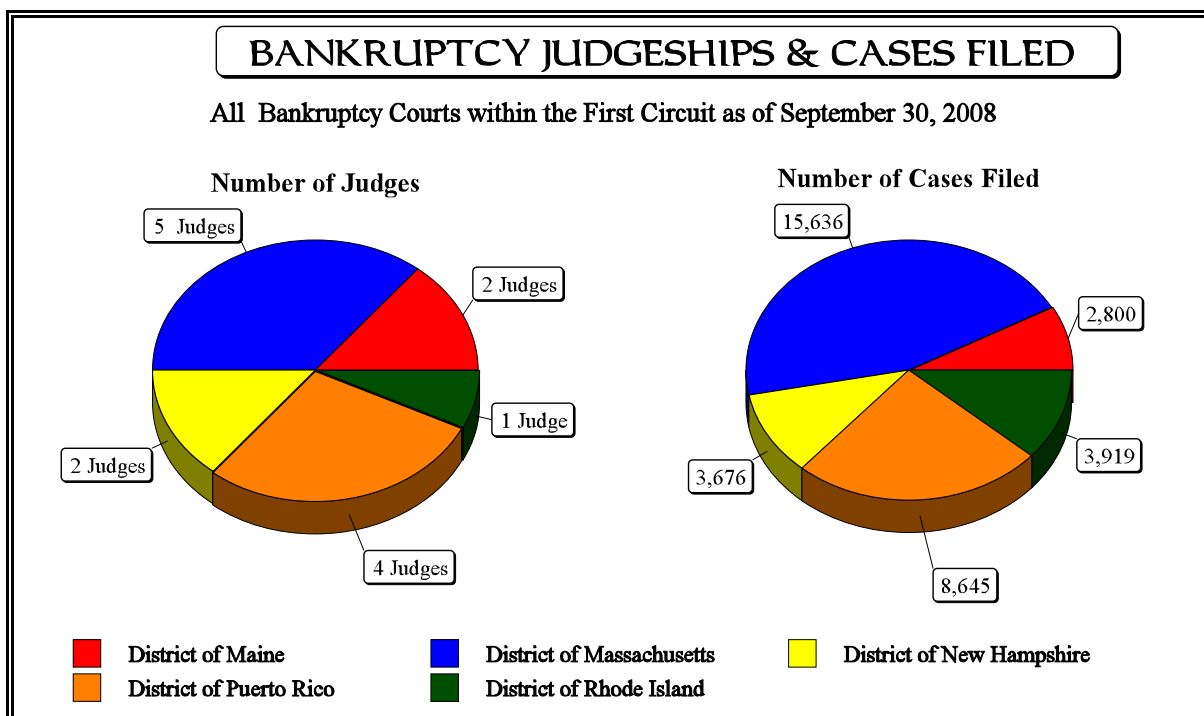
	2004	2005	2006	2007	2008
CIVIL FILINGS	304	221	224	195	290
CRIMINAL FILINGS	42	49	47	46	39
TOTAL FILINGS	346	270	271	241	329

STATISTICS

FIRST CIRCUIT

BANKRUPTCY COURTS

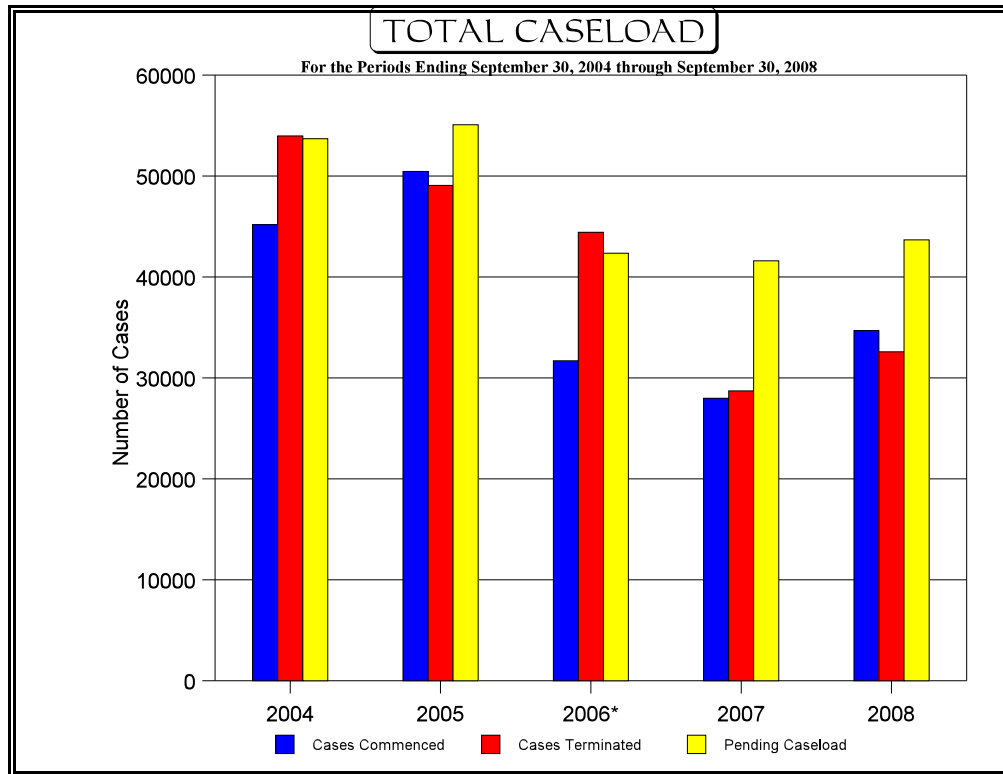
BANKRUPTCY CASELOAD SUMMARY



NUMBER OF BANKRUPTCY JUDGES AND CASES FILED DURING THE TWELVE MONTH PERIOD ENDING SEPTEMBER 30, 2008		
	Number of Judges	Cases Filed
DISTRICT OF MAINE	2	2,800
DISTRICT OF MASSACHUSETTS	5	15,636
DISTRICT OF NEW HAMPSHIRE	2	3,676
DISTRICT OF PUERTO RICO	4	8,645
DISTRICT OF RHODE ISLAND	1	3,919
FIRST CIRCUIT TOTALS	14	34,676

BANKRUPTCY CASELOAD SUMMARY

FIRST CIRCUIT BANKRUPTCY COURTS



Authorized Judgeships 14

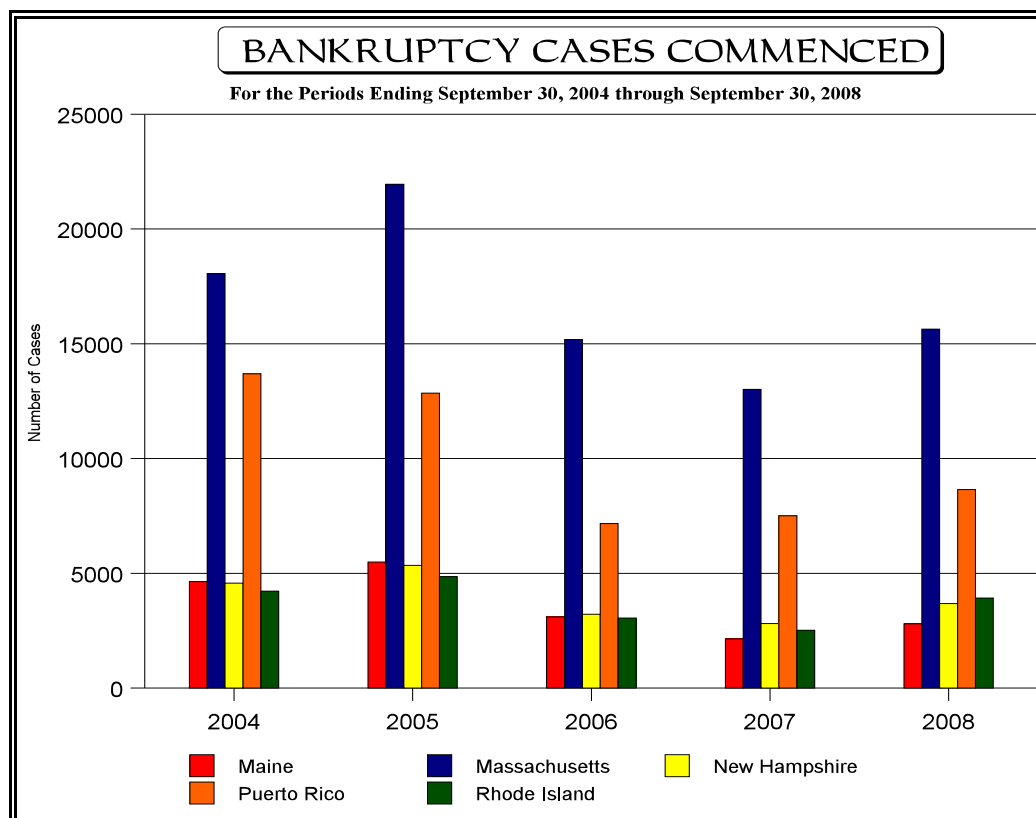
TOTAL BANKRUPTCY CASES 2004 - 2008

	2004	2005	2006	2007*	2008
CASES COMMENCED	45,181	50,451	31,705	27,981	34,676
CASES TERMINATED	53,980	49,064	44,429	28,709	32,597
PENDING CASELOAD	53,699	55,070	42,356	41,599	43,678

*Pending caseload in 2007 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

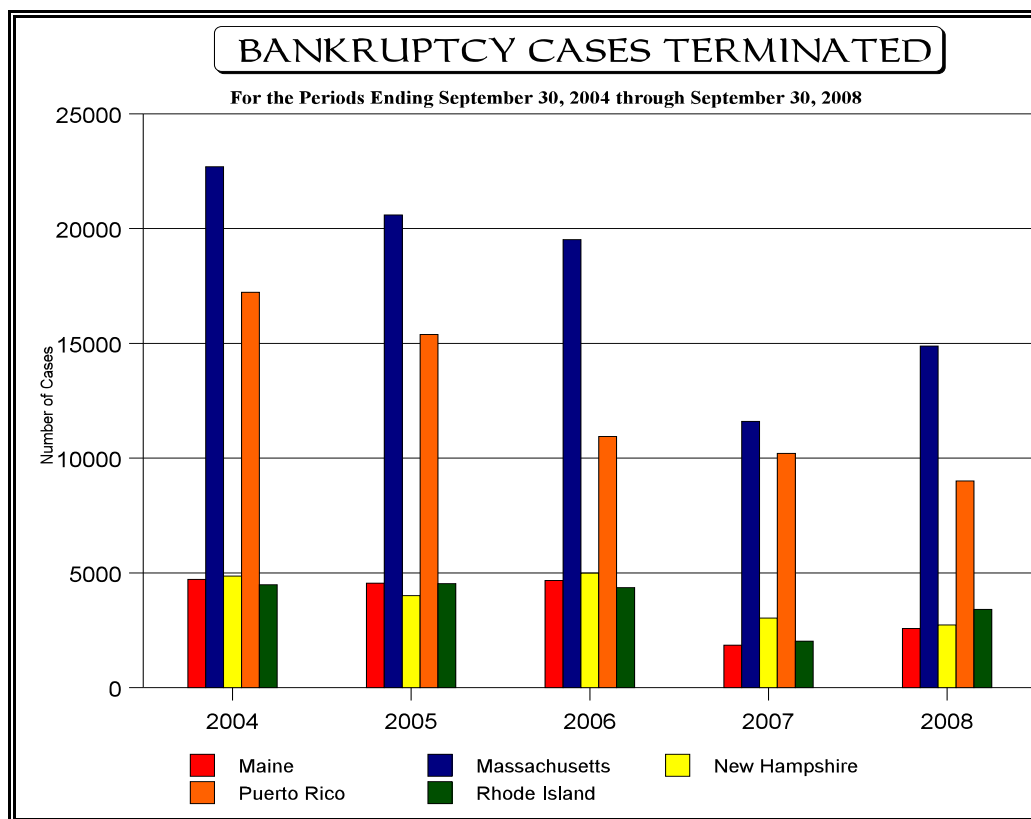
FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES COMMENCED FROM 2004 THROUGH 2008					
DISTRICTS	2004	2005	2006	2007	2008
MAINE	4,637	5,489	3,096	2,143	2,800 (30.7%)
MASSACHUSETTS	18,054	21,952	15,181	13,011	15,636 (20.2%)
NEW HAMPSHIRE	4,573	5,341	3,214	2,804	3,676 (31.1%)
PUERTO RICO	13,695	12,844	7,167	7,502	8,645 (15.2%)
RHODE ISLAND	4,222	4,855	3,047	2,521	3,919 (55.5%)

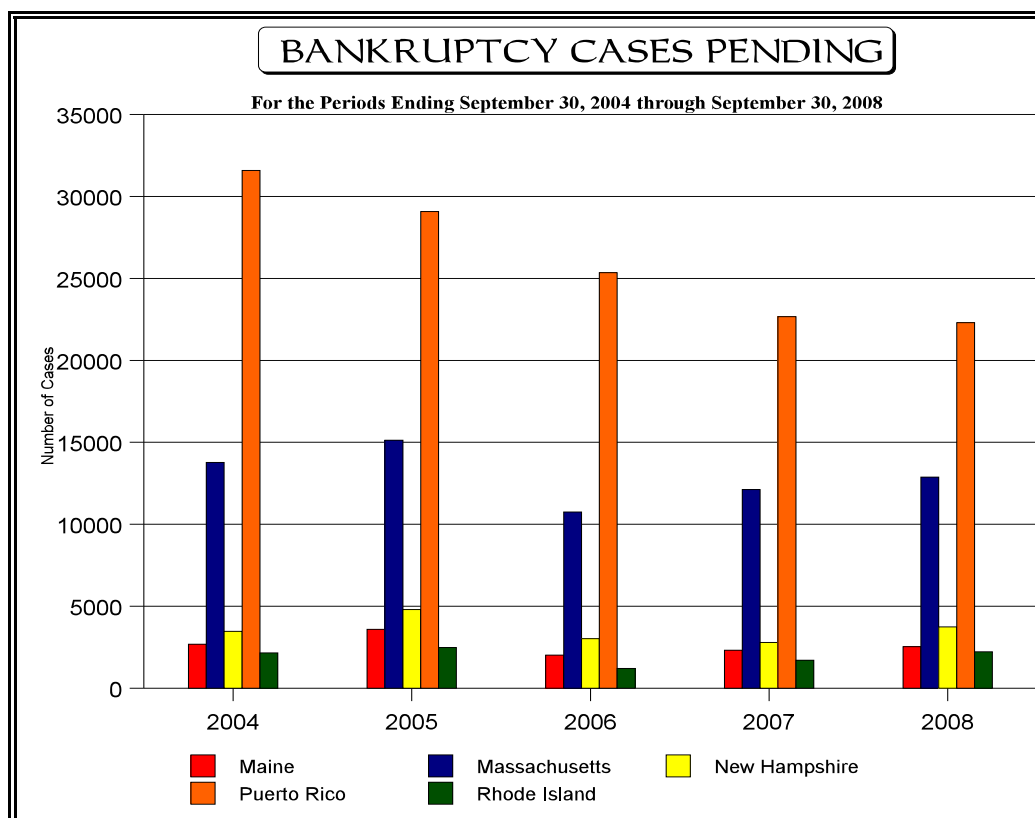
BANKRUPTCY CASELOAD SUMMARY

FIRST CIRCUIT BANKRUPTCY COURTS



BANKRUPTCY CASES TERMINATED 2004 - 2008					
DISTRICTS	2004	2005	2006	2007	2008
MAINE	4,718	4,548	4,666	1,848	2,573
MASSACHUSETTS	22,694	20,593	19,518	11,600	14,880
NEW HAMPSHIRE	4,857	4,008	4,986	3,033	2,726
PUERTO RICO	17,229	15,384	10,943	10,204	9,007
RHODE ISLAND	4,482	4,531	4,361	2,024	3,411

BANKRUPTCY CASELOAD SUMMARY FIRST CIRCUIT BANKRUPTCY COURTS



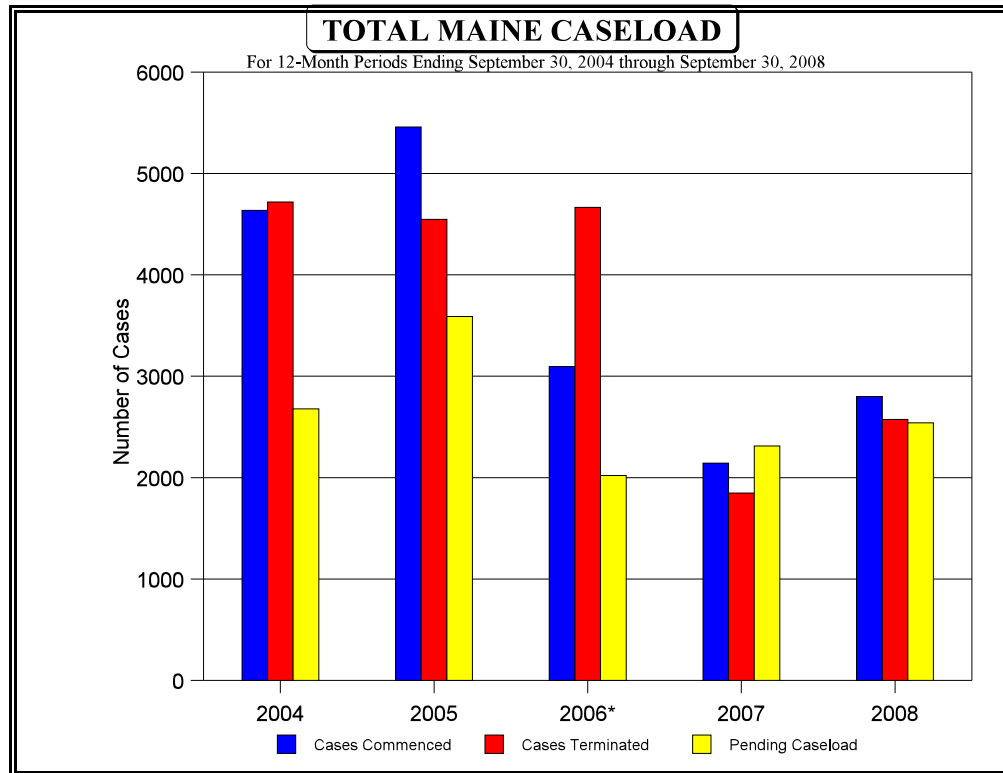
BANKRUPTCY CASES PENDING 2004 - 2008

DISTRICTS	2004	2005	2006	2007*	2008
MAINE	2,679	3,590	2,021	2,313	2,540
MASSACHUSETTS	13,779	15,126	10,753	12,119	12,875
NEW HAMPSHIRE	3,476	4,797	3,026	2,798	3,748
PUERTO RICO	31,590	29,075	25,343	22,658	22,296
RHODE ISLAND	2,150	2,482	1,213	1,710	2,219

*Pending caseload in 2007 revised by the Administrative Office of the United States Courts.

STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF MAINE

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE



Authorized Judgeships 2

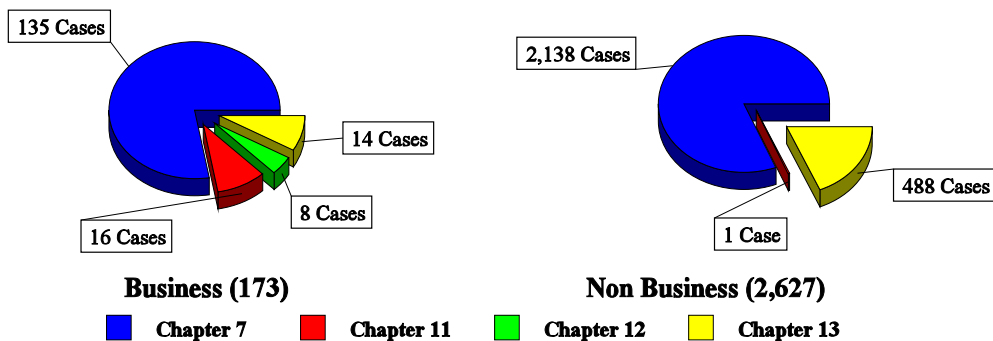
TOTAL BANKRUPTCY CASES 2004 - 2008					
	2004	2005	2006	2007*	2008
CASES COMMENCED	4,637	5,459	3,096	2,143	2,800
CASES TERMINATED	4,718	4,548	4,666	1,848	2,573
PENDING CASELOAD	2,679	3,590	2,021	2,313	2,540

*Pending caseload in 2007 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MAINE

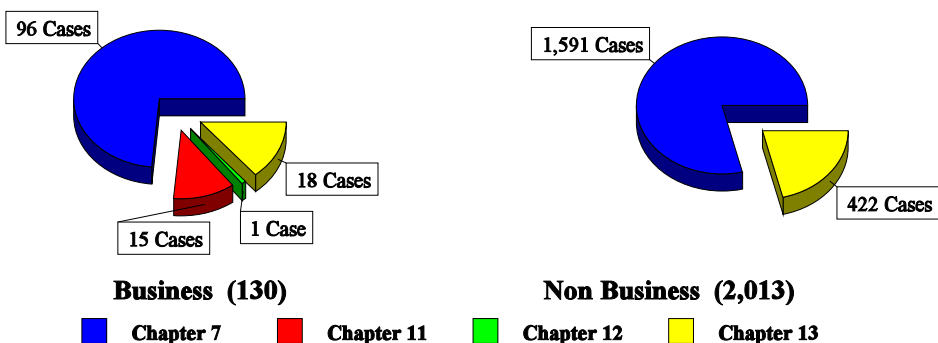
2008 BANKRUPTCY FILINGS

For the 12-Month Period as of September 30, 2008



2007 BANKRUPTCY FILINGS

For the 12-Month Period as of September 30, 2007

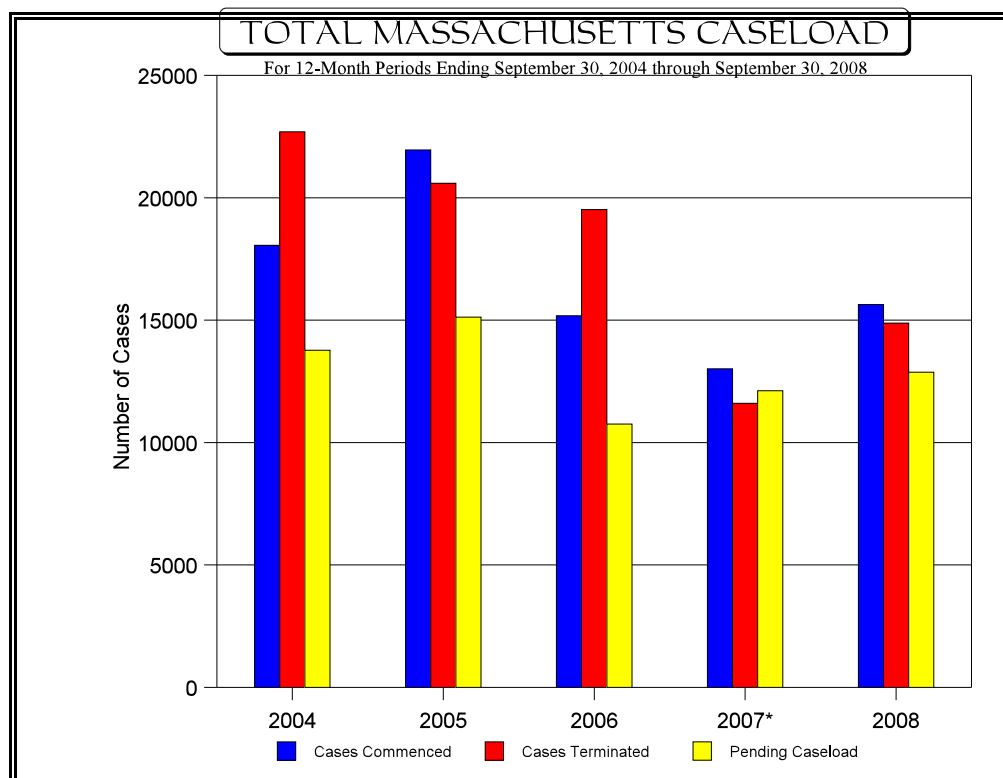


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
MASSACHUSETTS

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF MASSACHUSETTS



Authorized Judgeships 5

TOTAL BANKRUPTCY CASES 2004 - 2008

	2004	2005	2006	2007*	2008
CASES COMMENCED	18,054	21,952	15,181	13,011	15,636
CASES TERMINATED	22,694	20,593	19,518	11,600	14,880
PENDING CASELOAD	13,768	15,126	10,753	12,119	12,875

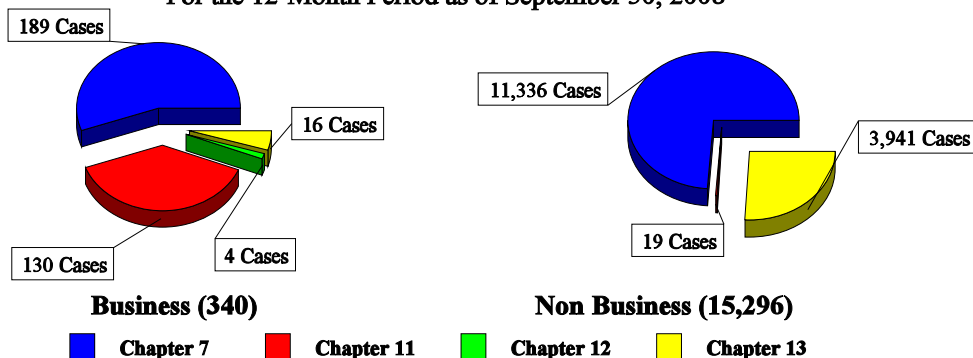
*Pending caseload in 2007 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF MASSACHUSETTS

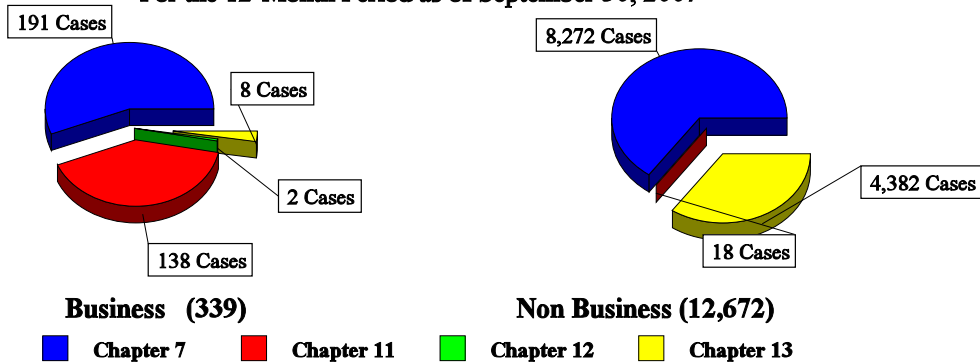
2008 Bankruptcy Filings

For the 12-Month Period as of September 30, 2008



2007 Bankruptcy Filings

For the 12-Month Period as of September 30, 2007

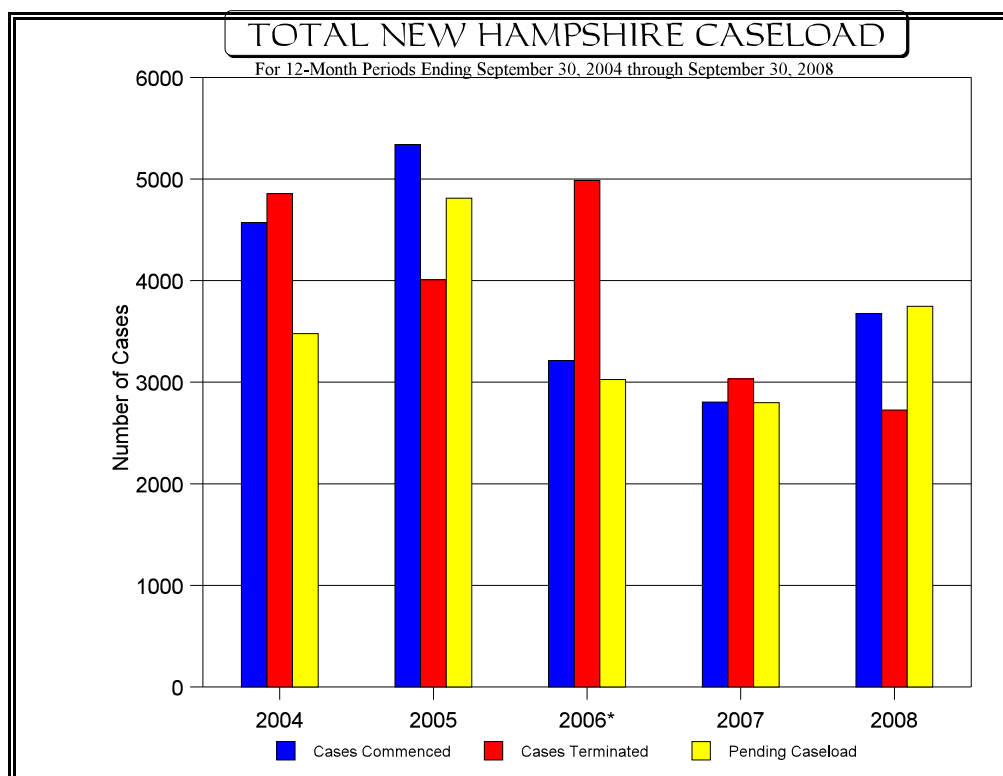


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
NEW HAMPSHIRE

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE



Authorized Judgeships 2

TOTAL BANKRUPTCY CASES 2004 - 2008

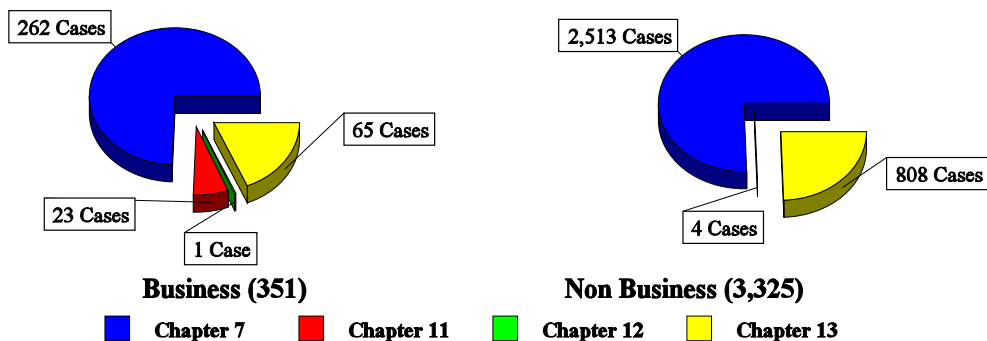
	2004	2005	2006	2007*	2008
CASES COMMENCED	4,573	5,341	3,214	2,804	3,676
CASES TERMINATED	4,857	4,008	4,986	3,033	2,726
PENDING CASELOAD	3,479	4,812	3,026	2,798	3,748

*Pending caseload in 2007 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF NEW HAMPSHIRE

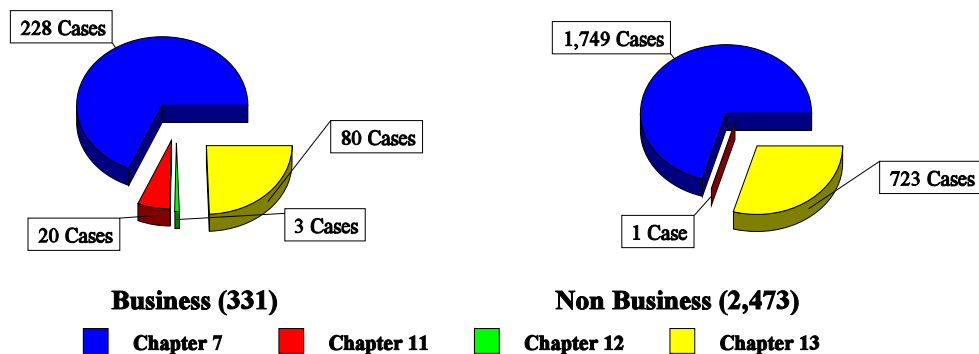
2008 Bankruptcy Filings

For the 12-Month Period as of September 30, 2008



2006 Bankruptcy Filings

For the 12-Month Period as of September 30, 2006

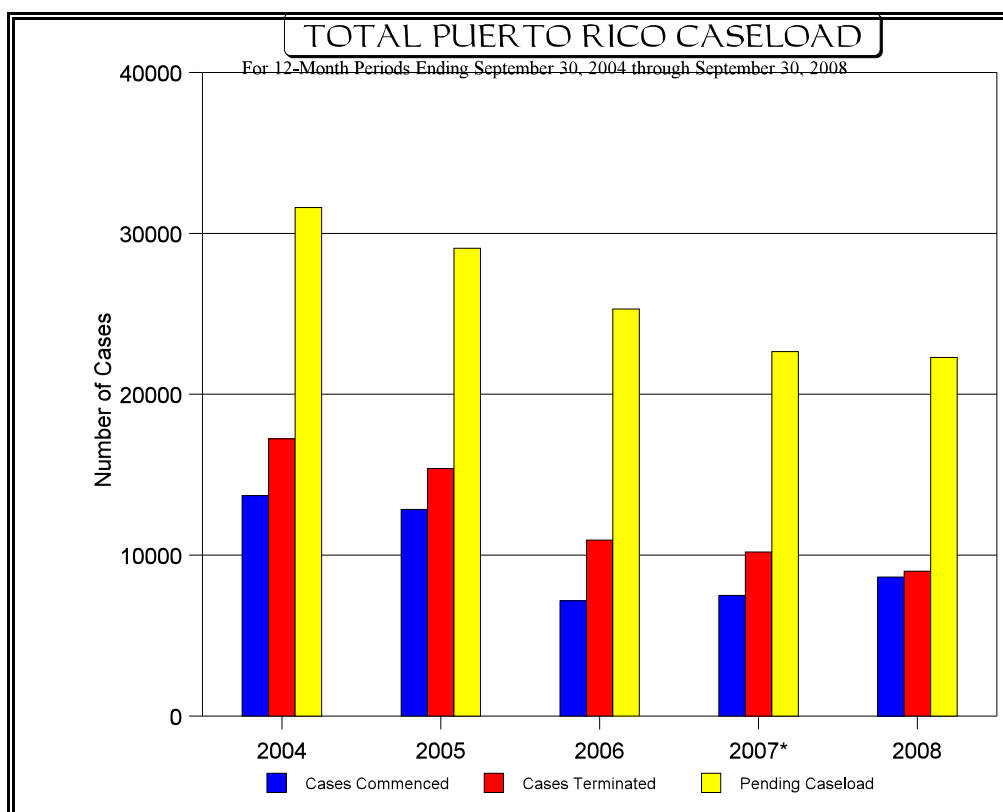


STATISTICS

U.S. BANKRUPTCY COURT

DISTRICT OF
PUERTO RICO

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF PUERTO RICO



Authorized Judgeships 4

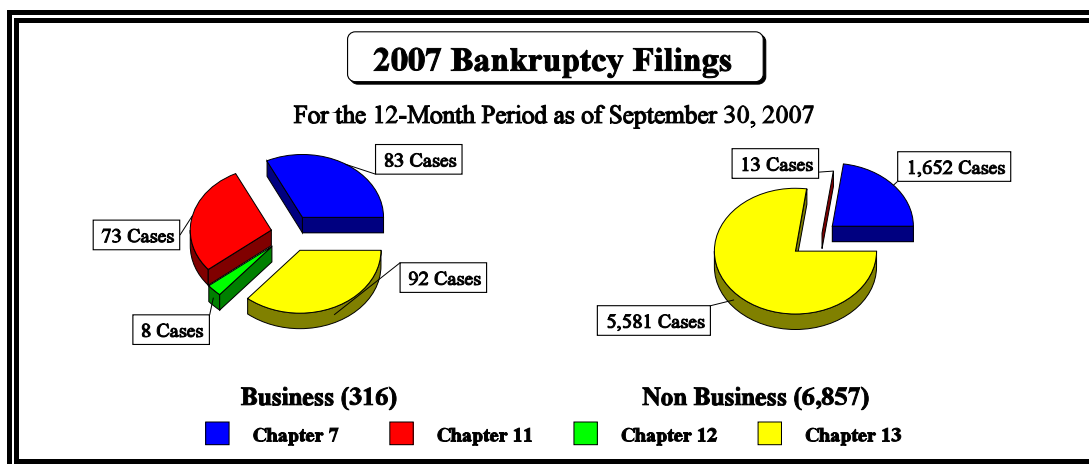
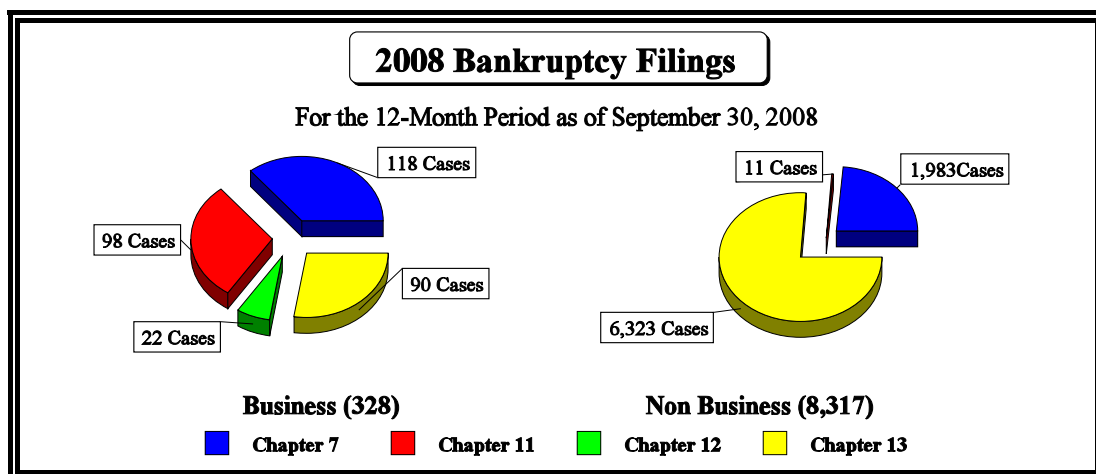
TOTAL BANKRUPTCY CASES 2004 - 2008

	2004	2005	2006	2007*	2008
CASES COMMENCED	13,695	12,844	7,167	7,502	8,645
CASES TERMINATED	17,229	15,384	10,943	10,204	9,007
PENDING CASELOAD	31,612	29,075	25,343	22,658	22,296

*Pending caseload in 2007 revised by the Administrative Office of the United States Courts.

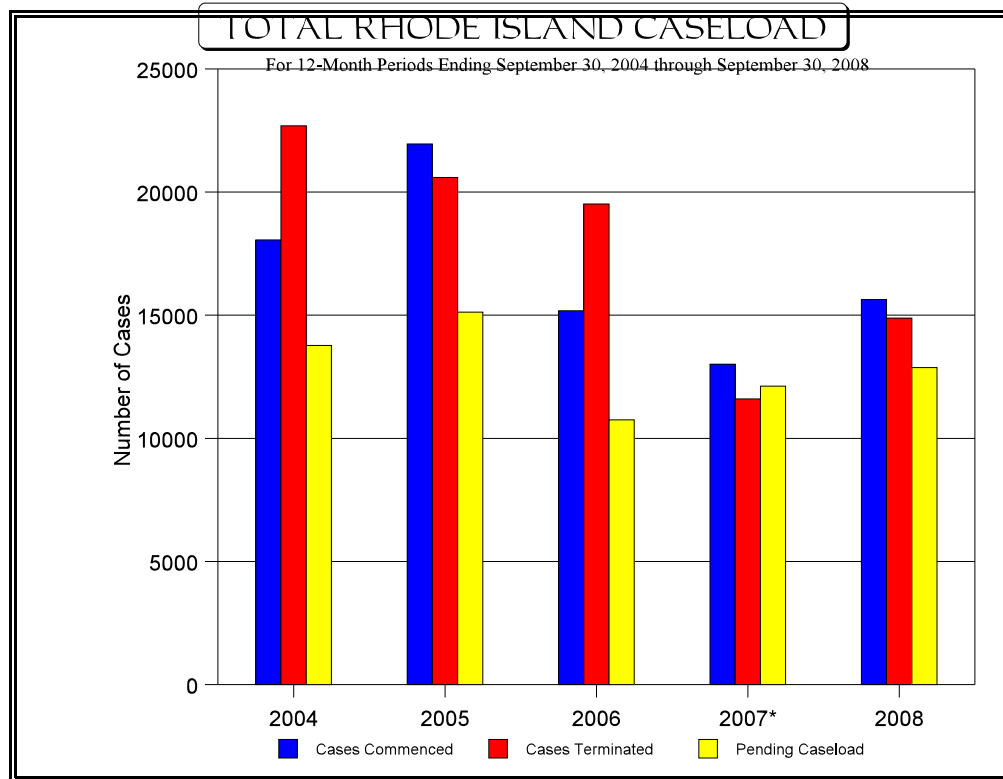
BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF PUERTO RICO



STATISTICS
U.S. BANKRUPTCY COURT
DISTRICT OF
RHODE ISLAND

BANKRUPTCY CASELOAD SUMMARY DISTRICT OF RHODE ISLAND



Authorized Judgeships 1

TOTAL BANKRUPTCY CASES 2004 - 2008

	2004	2005	2006	2007*	2008
CASES COMMENCED	4,222	4,855	3,047	2,521	3,919
CASES TERMINATED	4,482	4,531	4,316	2,024	3,411
PENDING CASELOAD	2,160	2,482	1,213	1,711	2,219

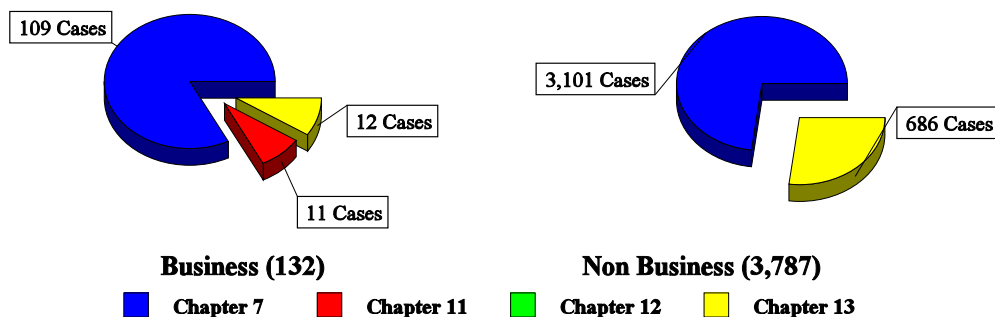
*Pending caseload in 2007 revised by the Administrative Office of the United States Courts.

BANKRUPTCY CASELOAD SUMMARY

DISTRICT OF RHODE ISLAND

2008 BANKRUPTCY FILINGS

For the 12-Month Period as of September 30, 2008



2007 BANKRUPTCY FILINGS

For the 12-Month Period as of September 30, 2007

